

FEDERAL REGISTER

VOLUME 24

NUMBER 159

Washington, Friday, August 14, 1959

Title 3—THE PRESIDENT

Proclamation 3308

ESTABLISHING THE HORSESHOE BEND NATIONAL MILITARY PARK

By the President of the United States
of America

A Proclamation

WHEREAS the battle of Horseshoe Bend, fought on March 27, 1814, on the Tallapoosa River in Alabama, resulted in a decisive victory for the forces of General Andrew Jackson over a strong body of Creek Indians and broke the power of the Creek Confederacy; and

WHEREAS this significant historic event on the Indian border opened the way for settlement in Alabama and other parts of the old Southwest; and

WHEREAS section 1 of an act approved July 25, 1956 (70 Stat. 651), provides that when not less than five hundred acres of non-Federal lands (together with improvements thereon), known as the Horseshoe Bend Battle Ground, shall have been acquired and transferred free and clear of all encumbrances to the United States without expense to the Federal Government, such area shall be dedicated and set apart as the Horseshoe Bend National Military Park; and

WHEREAS section 2 of that act authorizes and directs the Secretary of the Interior to make an examination of the Horseshoe Bend Battle Ground with a view to determining the area or areas thereof deemed desirable for inclusion in the Horseshoe Bend National Military Park; and

WHEREAS the Secretary of the Interior on June 11, 1957, approved a map showing an area of 2,040 acres on the Horseshoe Bend Battle Ground as being desirable for inclusion in the Horseshoe Bend National Military Park, and such land was donated to, and accepted on behalf of, the United States of America on April 24, 1959; and

WHEREAS the requirements of sections 1 and 2 of the act of July 25, 1956 (70 Stat. 651), have been fully complied with:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United

States of America, by virtue of the authority vested in me by section 4 of the above-mentioned act of July 25, 1956, do hereby dedicate and set aside the following-described lands in Tallapoosa County, Alabama, as the Horseshoe Bend National Military Park:

Northeast quarter (NE $\frac{1}{4}$), northeast quarter of northwest quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$), northeast quarter of southeast quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), fractions A, B, C and E of section 15; fractions B, D, and E of section 22; all in township 23 north, range 23 east; also one-half acre known as the Ferry Landing on the south side of the Tallapoosa River in said section 15, more particularly described as follows: Commence at the southwest corner of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 1968 feet to a point; thence north 1 degree 00 minutes west 1267 feet to a point on the southerly bank of the Tallapoosa River and the point of beginning of the parcel herein intended to be described; thence south 52 degrees 00 minutes west 147.6 feet to a point; thence north 38 degrees 00 minutes west 147.6 feet to a point; thence north 52 degrees 00 minutes east 147.6 feet to a point on the southerly bank of the said river; thence upstream along the southerly bank of the river south 38 degrees 00 minutes east 147.6 feet to the point of beginning, and being situated in the east half of the southwest quarter of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; also a parcel of land known as Miller's Island in the Tallapoosa River just south of the river bridge more particularly described as follows: Commencing at the southwest corner of said section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 2605 feet to a point on the west bank of said island, which is the point of beginning; thence north 5 degrees 00 minutes east 220 feet to a point; thence north 8 degrees 00 minutes west 510 feet to a point; thence north 82 degrees 00 minutes east 350 feet to a point; thence north 55 degrees 30 minutes east 75 feet to a point; thence north 82 degrees 00 minutes east 115 feet to a point; thence south 17 degrees 00 minutes east 330 feet to a point; thence south 8 degrees 00 minutes east 270 feet to a point; thence south 77 degrees 45 minutes west 270 feet to a point; thence south 59 degrees 35 minutes west 160 feet to a point; thence south 36 degrees 06 minutes west 650 feet to a point; thence north 5 degrees 00 minutes east 530 feet to the point of beginning, containing 14.11 acres, more or less, and being situated in sections 15 and 22, township 23 north, range 23 east, Tallapoosa

(Continued on p. 6609)

CONTENTS

THE PRESIDENT

Proclamation	Page
Establishing the Horseshoe Bend National Military Park.....	6607

EXECUTIVE AGENCIES

Agricultural Marketing Service	
Notices:	
Cherry Auction et al.; proposed posting of stockyards.....	6625
Rules and regulations:	
Export apples and pears; revision.....	6609
Rice; rough, brown, and milled; miscellaneous amendments to U.S. standards.....	6611

Agricultural Research Service

Rules and regulations:	
National poultry and turkey improvement plans (chickens, turkeys, and certain other poultry); miscellaneous amendments.....	6614

Agriculture Department

See also Agricultural Marketing Service; Agricultural Research Service; Commodity Stabilization Service.

Notices:	
Ohio; designation of area for production emergency loans.....	6625

Atomic Energy Commission

Notices:	
Pacific Gas & Electric Co.; receipt of amendment to application for construction permit and utilization facility license.....	6626

Civil Aeronautics Board

Notices:	
Hearings, etc.:	
Frontier Airlines, Inc.; renewal of temporary intermediate points.....	6629
Trans-Canada Air Lines.....	6629

Civil Service Commission

Rules and regulations:	
Exception from competitive service; Office of Civil and Defense Mobilization.....	6609



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CFR SUPPLEMENTS

(As of January 1, 1959)

The following Supplements are now available:

Titles 1-3 (\$1.00)

General Index (\$0.75)

All other Supplements and revised books have been issued and are now available.

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

CONTENTS—Continued

Commodity Stabilization Service	Page
Rules and regulations:	
Sugar or liquid sugar; importation into U.S.; miscellaneous amendments and interpretations	6614
Federal Communications Commission	
Notices:	
Hearings, etc.:	
Altland, Harry Eugene	6626
Bloom Radio (WHIM)	6626
Garden City Broadcasting Co. et al.	6626
Jefferson Standard Broadcasting Co. et al.	6627

CONTENTS—Continued

Federal Communications Commission—Continued	Page
Notices—Continued	
Hearings, etc.—Continued	
National Broadcasting Co., Inc.	6628
Newhall Broadcasting Co. et al.	6628
S & W Enterprises, Inc., et al.	6628
Southeast Mississippi Broadcasting Co. (WSJC) and Jeff Davis Broadcasting Service	6629
Suburban Broadcasting Co., Inc., and Camden Broadcasting Co.	6629
WJIV, Inc. (WJIV) et al.	6629
Federal Maritime Board	
Notices:	
Farrell Shipping Co., Inc., and F. L. Herbelin-Bay Transfer Co.; agreement filed for approval	6626
Fish and Wildlife Service	
Rules and regulations:	
Migratory birds; open season, bag limits, and possession of certain migratory game birds.	6623
Food and Drug Administration	
Rules and regulations:	
New drugs; supplemental applications	6618
General Services Administration	
Notices:	
Chromite held in national stockpile; proposed disposition	6629
Health, Education, and Welfare Department	
See Food and Drug Administration; Social Security Administration.	
Indian Affairs Bureau	
Notices:	
Authority under act of August 27, 1954	6626
Interior Department	
See Fish and Wildlife Service; Indian Affairs Bureau; Mines Bureau.	
International Cooperation Administration	
Notices:	
Deputy director for operations; delegation of functions	6630
Interstate Commerce Commission	
Notices:	
Fourth section applications for relief	6630
Minnesota intrastate freight rates and charges	6631
Motor carrier transfer proceedings	6631
Puget Sound-Portland joint passenger train service	6631
Labor Department	
See Wage and Hour Division.	
Mines Bureau	
Rules and regulations:	
Nonemergency gas respirators (chemical cartridge respirators, including paint spray respirators); revision of procedures for testing	6619

CONTENTS—Continued

National Aeronautics and Space Administration	Page
Rules and regulations:	
Patent provisions for contracts; contract clauses	6615
Post Office Department	
Rules and regulations:	
Transportation of mail beyond borders of U.S.; increases in compensation for sea transportation of surface mail and formal declaration of service elements included in compensation	6623
Social Security Administration	
Rules and regulations:	
Federal old-age and survivors insurance (1950—); State and local coverage and reports	6615
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
Davenport Hosiery Mills, Inc.	6630
Kennedy's, Inc.	6630
Treasury Department	
Notices:	
United Public Insurance Co.; acceptable on Federal bonds	6626
Wage and Hour Division	
Notices:	
Learner employment certificates; issuance to various industries	6632
CODIFICATION GUIDE	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.	
A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.	
3 CFR	Page
Proclamations:	
3308	6607
5 CFR	
6	6609
7 CFR	
33	6609
68	6611
817	6614
9 CFR	
145	6614
146	6614
14 CFR	
1201	6615
20 CFR	
404	6615
21 CFR	
130	6618
30 CFR	
14a	6619
39 CFR	
95	6623
50 CFR	
6	6623

County, Alabama. Less and except 5.1 acres in said section 15, township 23 north, range 23 east, previously conveyed by Nora E. Miller to Horseshoe Bend Battle Park Commission, described as follows: Beginning at a point which is 13 chains and 51 links south 75 degrees 30 minutes west of a point on the west line of section 14, township 23 north, range 23 east, which is 69 chains south of the northwest corner of said section 14; thence west 8 chains and 50 links, thence south 6 chains, thence east 8 chains and 50 links thence north 6 chains to the point of beginning.

The above described lands contain 560.66 acres, more or less.

Section 14, township 23 north, range 23 east; west half of northwest quarter and northeast quarter of northwest quarter of section 23, township 23 north, range 23 east; section 15 and section 22, township 23 north, range 23 east, less and except the following described parts of said sections 15 and 22, township 23 north, range 23 east, known as Alabama Power Company lands, described as follows: Northeast quarter (NE $\frac{1}{4}$), northeast quarter of northwest quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$), northeast quarter of southeast quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), fractions A, B, C and E of section 15; fractions B, D, and E of section 22; all in township 23 north, range 23 east; also one-half acre known as the Ferry Landing on the south side of the Tallapoosa River in section 15, more particularly described as follows: Commence at the southwest corner of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 1968 feet to a point; thence north 1 degree 00 minutes west 1267 feet to a point on the southerly bank of the Tallapoosa River and the point of beginning of the parcel herein intended to be described; thence south 52 degrees 00 minutes west 147.6 feet to a point; thence north 38 degrees

00 minutes west 147.6 feet to a point; thence north 52 degrees 00 minutes east 147.6 feet to a point on the southerly bank of said river; thence upstream along the southerly bank of the river south 38 degrees 00 minutes east 147.6 feet to the point of beginning, and being situated in the east half of the southwest quarter of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; also a parcel of land known as Miller's Island in the Tallapoosa River just south of the river bridge more particularly described as follows: Commencing at the southwest corner of said section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 2605 feet to a point on the west bank of said island, which is the point of beginning; thence north 5 degrees 00 minutes east 220 feet to a point; thence north 8 degrees 00 minutes west 510 feet to a point; thence north 82 degrees 00 minutes east 350 feet to a point; thence north 55 degrees 30 minutes east 75 feet to a point; thence north 82 degrees 00 minutes east 115 feet to a point; thence south 17 degrees 00 minutes east 330 feet to a point; thence south 8 degrees 00 minutes east 270 feet to a point; thence south 77 degrees 45 minutes west 270 feet to a point; thence south 59 degrees 35 minutes west 160 feet to a point; thence south 36 degrees 06 minutes west 650 feet to a point; thence north 5 degrees 00 minutes east 530 feet to the point of beginning, containing 14.11 acres, more or less, and being situated in sections 15 and 22, township 23 north, range 23 east, Tallapoosa County, Alabama. Less and except 5.1 acres in said section 15, township 23 north, range 23 east, previously conveyed by Nora E. Miller to Horseshoe Bend Battle Park Commission, described as follows: Beginning at a point which is 13 chains and 51 links south 75 degrees 30 minutes west of a point on the west line of section 14, township 23 north, range 23 east,

which is 69 chains south of the northwest corner of said section 14; thence west 8 chains and 50 links, thence south 6 chains, thence east 8 chains and 50 links, thence north 6 chains to the point of beginning. Said 5.1-acre exception in said section 15 has heretofore been conveyed to the United States of America by patent from the State of Alabama.

The above-described lands contain 1,474.24 acres, more or less.

Beginning at a point which is 13 chains and 51 links south 75 degrees 30 minutes west of a point on the west line of section 14 which is 69 chains south of the northwest corner of section 14, thence west 8 chains and 50 links, thence south 6 chains, thence east 8 chains and 50 links, thence north 6 chains to the point of beginning, the said land lying and being in section 15, township 23 north, range 23 east.

The above-described lands contain 5.1 acres, more or less.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of August in the year of our Lord nineteen hundred and [SEAL] fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 59-6771; Filed, Aug. 12, 1959; 1:26 p.m.]

RULES AND REGULATIONS

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Civil Defense Administration; Office of Civil and Defense Mobilization

§ 6.323 [Amendment]

1. Effective upon publication in the FEDERAL REGISTER, paragraphs (d), (g), (j), (o) and (p) of § 6.323 are revoked.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.363 is amended, and paragraphs (m), (n), (o) and (p) are added as set out below.

§ 6.363 Office of Civil and Defense Mobilization.

(a) One Confidential Administrative Assistant to each of the following: Assistant Director for Training, Education, and Public Affairs; Assistant Director for Plans and Operations; and Assistant Director for Resources and Production.

(m) Two Administrative Assistants to the Director.

(n) One Courier, Office of the Director.

(o) One Receptionist, Office of the Director.

(p) One Private Secretary to the Assistant to the Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-6717; Filed, Aug. 13, 1959; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 33—EXPORT APPLES AND PEARS

Notice is hereby given of the revision of the regulations (7 CFR Part 33) issued pursuant to the provisions of the Export Apple and Pear Act (48 Stat. 123; 7

U.S.C. 581-589) and to the authority set forth in section 7, 48 Stat. 124; 7 U.S.C. 587, for carrying out the provisions of said act. Notice with respect to the proposed revision was given in the FEDERAL REGISTER issue of March 24, 1959 (24 F.R. 2277).

After consideration of all relevant matters presented, including the proposal set forth in such notice, it is hereby found that the revision of the said rules and regulations, as hereinafter set forth, is in accordance with the provisions of and will tend to effectuate the declared purposes of the Export Apple and Pear Act:

DEFINITIONS

Sec.	
33.1	Act.
33.2	Person.
33.3	Secretary.
33.4	Carrier.
33.5	Apples.
33.6	Pears.
33.7	Package.
33.8	Shipment.

REGULATIONS

33.10	Minimum requirements.
33.11	Inspection and certification.

EXEMPTIONS

33.12	Apples and pears not subject to regulations.
-------	--

WITHHOLDING CERTIFICATES

- Sec.
 33.13 Notice.
 33.14 Opportunity for hearing.
 33.15 Suspension of inspection.
 33.16 Service of notice or order.

AUTHORITY: §§ 33.1 to 33.16 issued under sec. 7, 48 Stat. 124; 7 U.S.C. 587.

DEFINITIONS

§ 33.1 Act.

"Act" and "Export Apple and Pear Act" are synonymous and mean "An act to promote the foreign trade of the United States in apples and/or pears, to protect the reputation of American-grown apples and pears in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes," approved June 10, 1933 (48 Stat. 123; 7 U.S.C. 581 et seq.).

§ 33.2 Person.

"Person" means an individual, partnership, association, corporation, or any other business unit.

§ 33.3 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

§ 33.4 Carrier.

"Carrier" means any common or private carrier, including, but not being limited to, trucks, railroads, airplanes, vessels, tramp or chartered steamers whether carrying for hire or otherwise.

§ 33.5 Apples.

"Apples" means fresh whole apples in packages whether or not they have been in storage.

§ 33.6 Pears.

"Pears" means fresh whole pears in packages whether or not they have been in storage.

§ 33.7 Package.

"Package" means any container of apples or pears.

§ 33.8 Shipment.

"Shipment" means one or more lots of apples or pears shipped or offered for shipment by any one person in a single conveyance to a foreign country regardless of the number of consignees, receivers, or ports of destination in that country.

REGULATIONS

§ 33.10 Minimum requirements.

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, any shipment of apples or pears to any foreign destination unless:

(a) Apples grade at least U.S. No. 1 Cooker grade or U.S. No. 1 Early grade, as specified in the United States Standards for Apples (§§ 51.300 to 51.327 of this chapter), do not contain apple maggot and do not have more than 2 percent,

by count, of apples with apple maggot injury, nor more than 2 percent, by count, of apples infested with San Jose scale or scale of similar appearance;

(b) Pears grade at least U.S. No. 2 grade, as specified in the United States Standards for Summer and Fall Pears, such as Bartlett, Hardy, and other similar varieties (§§ 51.1260 to 51.1280 of this chapter), or in the United States Standards for Winter Pears, such as Anjou, Bosc, Comice, and other similar varieties (§§ 51.1300 to 51.1323 of this chapter), do not contain apple maggot, and do not have more than 2 percent, by count, of pears with apple maggot injury, nor more than 2 percent, by count, of pears infested with San Jose scale or scale of similar appearance;

(c) Each package of apples or pears is packed so that the apples or pears in the top layer shall be reasonably representative in size, color, and quality of the contents of the package; and

(d) Each package of apples or pears is marked plainly and conspicuously with (1) the name and address of the grower or packer; (2) the variety of the apples or pears; (3) the name of the U.S. grade or the name of a state grade if the fruit meets each minimum requirement of a U.S. grade specified in this section; and (4) the numerical count or the minimum size.

§ 33.11 Inspection and certification.

(a) Each person shipping, or offering for shipment, apples or pears to any foreign destination shall cause them to be inspected by the Federal or Federal-State Inspection Service in accordance with regulations governing the inspection and certification of fresh fruits, vegetables and other products (Part 51 of this chapter) and certified as meeting the requirements of the act and this part. No carrier shall transport, or receive for transportation, apples or pears to any foreign destination unless they have been so inspected and certified. Inspection and certification may be obtained at any time prior to exportation of the apples or pears. Such a Federal or Federal-State certificate shall be designated as an "Export Form Certificate" and shall include the following statement: "Meets requirements of Export Apple and Pear Act." The shipper shall deliver a copy of the Export Form Certificate or Memorandum of Inspection to the export carrier. Whenever apples or pears are inspected and certified at any point other than the port of exportation, the shipper shall deliver a copy of the Export Form Certificate or Memorandum of Inspection to the agent of the first carrier that thereafter transports such apples or pears and such agent shall deliver such copy to the proper official of the carrier on which the apples or pears, covered by such certificate or memorandum, are to be exported. A copy of the Export Form Certificate or Memorandum of Inspection shall be filed by the export carrier for a period of not less than three (3) years after date of export.

(b) If the inspector has reason to believe that samples of a lot of apples or pears have been obtained for a determination as to compliance with toler-

ance for spray residue, established under the Federal Food, Drug and Cosmetic Act, as amended (52 Stat. 1040; 21 U.S.C. 301 et seq.), he shall not issue a certificate on the lot unless it complies with such tolerances.

EXEMPTIONS

§ 33.12 Apples and pears not subject to regulations.

Except as otherwise provided in this section, any person may, without regard to the provisions of this part, ship or offer for shipment, and any carrier may, without regard to the provisions of this part, transport or receive for transportation to any foreign destination:

(a) A shipment of a quantity of apples or pears not exceeding a total of 1,250 pounds gross weight, or 25 boxes of apples packed in a standard Northwestern apple box, standard Eastern apple box or container equivalent thereto, or 25 boxes of pears packed in a standard pear box or container equivalent thereto; and shipments of pears to Venezuela and Cuba, not exceeding 20,000 pounds gross weight or 400 standard pear boxes or containers equivalent thereto.

(b) Apples or pears to Pacific ports west of the International Date Line which do not meet maturity standards of the grade specified in § 33.10, if the packages are conspicuously marked or printed with the words "Immature Fruit;" (in letters at least two inches high) if inspected and certified as meeting all other requirements of §§ 33.10 and 33.11.

(c) Apples for processing which do not meet the grade standards specified in § 33.10, if such apples grade at least U.S. No. 1 as specified in U.S. Standards for Apples for Processing (§§ 51.340 to 51.344 of this chapter), and if the containers are conspicuously marked "Cannery" (in letters at least two inches high) if inspected and certified as meeting all other requirements of §§ 33.10 and 33.11.

(d) Pears for processing which do not meet the grade standards specified in § 33.10, if such pears grade at least U.S. No. 1 as specified in U.S. Standards for Pears for Canning (§§ 51.1345 to 51.1358 of this chapter), and if the containers are conspicuously marked "Cannery" (in letters at least two inches high) if inspected and certified as meeting other requirements of §§ 33.10 and 33.11.

WITHHOLDING CERTIFICATES

§ 33.13 Notice.

If the Secretary is considering withholding the issuance of certificates under the act for a period of not exceeding 90 days to any person who ships, or offers for shipment, apples or pears to any foreign destination in violation of any provisions of the act or this part, he shall cause notice to be given to the person accused of the nature of the charges against him and of the specific instances in which violation of the act or the regulations in this part is charged.

§ 33.14 Opportunity for hearing.

The person accused shall be entitled to a hearing, provided he makes written request therefor and files a written responsive answer to the charges made not later

than 10 days after service of such notice upon him. The right to hearing shall be restricted to matters in issue. At such hearing, he shall have the right to be present in person or by counsel and to submit evidence and argument in his behalf. Failure to request a hearing within the specified time or failure to appear at the hearing when scheduled shall be deemed a waiver of the right to hearing. Such person may, in lieu of requesting an oral hearing, file a sworn written statement with the Secretary not later than 10 days after service of such notice upon him.

§ 33.15 Suspension of inspection.

Any order to withhold the issuance of a certificate, as provided in section 6 of the act, will be effective from the date specified in the order but no earlier than the date of its service upon the person found to have been guilty. Such order will state the inclusive dates during which it is to remain in effect, and during this period no inspector employed or licensed by the Secretary shall issue any Export Form Certificate or Memorandum of Inspection to such person.

§ 33.16 Service of notice or order.

Service of any notice or order required by the act or prescribed by the regulations in this part shall be deemed sufficient if made personally upon the person served, by registered mail, or by leaving a copy of such notice or order with an employee or agent at such person's usual place of business or abode or with any member of his immediate family at his place of abode. If the person named is a partnership, association, or corporation, service may similarly be made by service on any member of the partnership or any officer, employee, or agent of the association or corporation.

Dated: August 11, 1959, to become effective October 1, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 59-6751; Filed, Aug. 13, 1959;
8:49 a.m.]

[Amdt. 2]

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

United States Standards for Rough Rice, Brown Rice, and Milled Rice

On April 28, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 3281) regarding proposed amendments to the United States Standards for Rough Rice (7 CFR

68.201-68.203), for Brown Rice (7 CFR 68.251-68.253), and for Milled Rice (7 CFR 68.301-68.303). On May 28, 1959, a supplemental notice was published in the FEDERAL REGISTER (24 F.R. 4307) regarding alternative proposals to said proposed amendments to the United States Standards for Milled Rice (7 CFR 68.301-68.303).

Consideration has been given to all relevant information presented and to all information available in the United States Department of Agriculture regarding the proposed amendments. Based upon this information and pursuant to the authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the United States Standards for Rough Rice, Brown Rice and Milled Rice are amended as follows:

Subpart C—United States Standards for Rough Rice

1a. In § 68.201 *Terms defined*, under paragraph (b) *Classes*, change subparagraph (3) to read as follows:

(3) Mixed rough rice shall be any mixture of rough rice which contains more than 10.0 percent of rice of contrasting classes or more than 10.0 percent of rice of non-contrasting classes.

b. Redesignate paragraphs (e) to (n) inclusive as paragraphs (f), (g), (h), (i), (j), (k), (l), (m), (n), and (o), respectively, and add a new paragraph (e) to read as follows:

(e) *Non-contrasting classes*. Non-contrasting classes shall be other classes of rice than the class designated, in which the size, length, and shape of the kernels differ only slightly from these characteristics of the kernels of the class designated.

2. In § 68.202 *Principles governing application of standards*, change paragraph (d) and add a new paragraph (e) to read as follows:

(d) *Determination of milling yield*. The determination of milling yield of rough rice shall be made with equipment and methods prescribed by the United States Department of Agriculture. The milling yield shall be stated in terms of whole and half percents. A fraction of a percent when equal to or greater than one-half shall be stated as one-half percent and when less than one-half shall be disregarded.

(e) *Method of determining head rice and total milled rice*. Head rice and total milled rice shall be determined by the use of sizing plates and sieves in accordance with the method prescribed by the United States Department of Agriculture or by any device and method which gives equivalent results.

3a. In § 68.203 *Grades, grade requirements, and grade designations*, change that portion of paragraph (a) preceding the table to read as follows:

(a) *Grades and grade requirements for all classes of rough rice.*¹ (See paragraph (c) of this section).

b. Redesignate the footnotes 1, 2, 3, and 4 as 2, 3, 4, and 5, respectively, and add a new footnote 1 to read as follows:

¹ The rice of any class of rough rice, except Mixed rough rice, may contain not more than 5.0 percent of rice of non-contrasting classes in grades U.S. No. 1, U.S. No. 2, U.S. No. 3, and U.S. No. 4 and not more than 10.0 percent in grades U.S. No. 5 and U.S. No. 6.

Subpart D—United States Standards for Brown Rice

4a. In § 68.251 *Terms defined*, under paragraph (b) *Classes*, change subparagraph (3) to read as follows:

(3) Mixed brown rice shall be any mixture of brown rice which contains more than 10.0 percent of rice of contrasting classes or more than 10.0 percent of rice of non-contrasting classes.

b. Redesignate paragraphs (e) to (o), inclusive, as (f), (g), (h), (i), (j), (k), (l), (m), (n), (p), and (q), respectively, and add new paragraphs (e) and (o) to read as follows:

(e) *Non-contrasting classes*. Non-contrasting classes shall be other classes of rice than the class designated, in which the size, length, and shape of the kernels differ only slightly from these characteristics of the kernels of the class designated.

(o) *No. 6 sizing plate*. A No. 6 sizing plate shall be a laminated metal plate 0.142 inch thick with a top lamina 0.051 inch thick perforated with round holes 0.0937 ($\frac{3}{32}$) inch in diameter which are $\frac{5}{32}$ inch from center to center, and a bottom lamina 0.091 inch thick without perforations. The perforations of each row in the top lamina shall be staggered in relation to the adjacent row.

5. In § 68.252 *Principles governing application of standards*, change paragraph (d) and add a new paragraph (e) to read as follows:

(d) *Determination of milling yield*. The determination of milling yield of brown rice shall be made with equipment and methods prescribed by the United States Department of Agriculture. The milling yield shall be stated in terms of whole and half percents. A fraction of a percent when equal to or greater than one-half shall be stated as one-half percent and when less than one-half shall be disregarded.

(e) *Method of determining head rice and total milled rice*. Head rice and total milled rice shall be determined by the use of sizing plates or sieves in accordance with the method prescribed by the United States Department of Agriculture or by any device and method which gives equivalent results.

6a. In § 68.253 *Grades, grade requirements, and grade designations*, redesignate paragraphs (a) and (b) as para-

graphs (b) and (c) respectively and change the heading of redesignated paragraph (b) to read as follows:

(b) *Grades and grade requirements for Calrose brown rice and Pearl brown rice grown in California.*

b. Add new paragraph (a) to read as follows:

(a) *Grades and grade requirements for all classes of brown rice except Calrose brown rice and Pearl brown rice grown in California.*¹

Grade ²	Maximum limits of—							
	Seeds and heat-damaged kernels			Red rice and damaged kernels (singly or combined)	Chalky kernels	Broken kernels		Rice of contrasting classes ^{1,3}
	Total (singly or combined)	Heat-damaged kernels	Objectionable seeds			Total	Removed by No. 6 sizing plate	
	Number in 500 grams	Number in 500 grams	Number in 500 grams	Percent	Percent	Percent	Percent	Percent
U.S. No. 1.....	25	1	2	1.0	1.0	5.0	1.0	1.0
U.S. No. 2.....	50	2	10	2.0	3.0	10.0	2.0	2.0
U.S. No. 3.....	75	4	20	4.0	5.0	15.0	3.0	5.0
U.S. No. 4.....	100	8	35	8.0	8.0	25.0	4.0	10.0
U.S. Sample grade.....	U.S. Sample grade shall be brown rice which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 4, inclusive; or which contains more than 14.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.							

¹ The rice of any class of brown rice except Mixed brown rice and Calrose brown rice and Pearl brown rice grown in California may contain not more than 5.0 percent of rice of non-contrasting classes in grades U.S. No. 1, U.S. No. 2, and U.S. No. 3 and not more than 10.0 percent in grade U.S. No. 4.

² Brown rice in grade U.S. No. 1 may contain not more than 1.0 percent, in grade U.S. No. 2 not more than 3.0 percent, and in grades U.S. No. 3 and U.S. No. 4 not more than 10.0 percent of milled rice.

³ These limits do not apply to the class Mixed brown rice.

Subpart E—United States Standards for Milled Rice

7a. In § 68.301 *Terms defined*, under paragraph (b) *Classes*, change subparagraphs (3), (4), (5), and (6) to read as follows:

(3) Mixed milled rice shall be any mixture of milled rice which contains more than 25.0 percent of whole kernels of milled rice and more than 10.0 percent of rice of contrasting classes or more than 10.0 percent of rice of non-contrasting classes.

(4) Second Head milled rice shall be (i) milled rice, except Calrose milled rice and Pearl milled rice grown in California, which contains not more than 25.0 percent of whole kernels, not more than 10.0 percent of broken kernels that can be removed readily with a No. 6 sizing plate, not more than 0.2 percent of broken kernels that can be removed readily with a No. 5 sizing plate, and not more than 0.02 percent that will pass readily through a 4/64 sieve; and (ii) Calrose milled rice and Pearl milled rice grown in California, which contains not more than 25.0 percent of whole kernels, not more than 50.0 percent of broken kernels that will pass readily through a 6½/64 sieve, and not more than 10.0 percent of broken kernels that will pass readily through a 6/64 sieve.

(5) Screenings milled rice shall be (i) milled rice, except Calrose milled rice and Pearl milled rice grown in California, which contains not more than 25.0 percent of whole or broken kernels which are too large to be removed with a No. 7 sizing plate, not more than 10.0 per-

cent of broken kernels that can be removed readily with a No. 5 sizing plate, and not more than 0.2 percent that will pass readily through a 4/64 sieve; and (ii) Calrose milled rice and Pearl milled rice grown in California, which contains not more than 25.0 percent of whole kernels, which does not meet the kernel-size requirements for the class Second Head milled rice, and which contains not more than 15.0 percent of broken kernels that will pass readily through a 5½/64 sieve.

(6) Brewers milled rice shall be any milled rice which contains not more than 25.0 percent of whole kernels and which does not meet the kernel-size requirements for the class Second Head milled rice or Screenings milled rice.

b. Redesignate paragraphs (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), and (o), inclusive, as (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p), respectively, and add new paragraphs (e), (q), (r), (s), (t), and (u) to read as follows:

(e) *Non-contrasting classes.* Non-contrasting classes shall be other classes of rice than the class designated, in which the size, length, and shape of the kernels differ only slightly from these characteristics of the kernels designated.

(q) *4/64 sieve.* A 4/64 sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0625 (¼/64) inch in diameter which are ⅛ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(r) *2½/64 sieve.* A 2½/64 sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0390 (2½/64) inch in diameter which are 0.075 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(s) *No. 5 sizing plate.* A No. 5 sizing plate shall be a laminated metal plate 0.142 inch thick, with a top lamina 0.051 inch thick perforated with round holes 0.0781 (5/64) inch in diameter which are ⅜ inch from center to center, and a bottom lamina 0.091 inch thick without perforations. The perforations of each row in the top lamina shall be staggered in relation to the adjacent rows.

(t) *No. 6 sizing plate.* A No. 6 sizing plate shall be a laminated metal plate 0.142 inch thick with a top lamina 0.051 inch thick perforated with round holes 0.0937 (6/64) inch in diameter which are ⅜ inch from center to center, and a bottom lamina 0.091 inch thick without perforations. The perforations of each row in the top lamina shall be staggered in relation to the adjacent rows.

(u) *No. 7 sizing plate.* A No. 7 sizing plate shall be a laminated metal plate 0.142 inch thick, with a top lamina 0.051 inch thick perforated with round holes 0.1094 (7/64) inch in diameter which are ⅜ inch from center to center, and a bottom lamina 0.091 inch thick without perforations. The perforations of each row in the top lamina shall be staggered in relation to the adjacent rows.

8. In § 68.302 *Principles governing application of standards*, add a new paragraph (d) to read as follows:

(d) *Method of determining broken kernels.* Broken kernels of various sizes shall be determined by the use of sizing plates and sieves in accordance with the method prescribed by the United States Department of Agriculture or by any device and method which gives equivalent results.

9a. In § 68.303 *Grades, grade requirements, and grade designations*, delete paragraphs (b) and (c), redesignate paragraphs (a), (d), (e), and (f), as paragraphs (b), (e), (f), and (g), respectively, and change that portion of redesignated paragraph (b) preceding the table to read as follows:

(b) *Grades and grade requirements for Calrose milled rice and Pearl milled rice grown in California.* (See also paragraph (g) of this section.)

b. Add new paragraphs (a), (c), and (d) to read as follows:

(a) *Grade and grade requirements for all classes of milled rice, except calrose milled rice and Pearl milled rice grown in California, second head milled rice, screenings milled rice, and Brewers milled rice.*¹ (See also paragraph (g) of this section.)

Grade	Maximum limits of—							
	Seeds and heat-damaged kernels (singly or combined)		Red rice and damaged kernels (singly or com- bined)	Chalky kernels ¹	Broken kernels			Rice of contrast- ing classes ¹⁴
	Total	Heat-damaged kernels and objectionable seeds (singly or combined)			Total	Removed by No. 6 sizing plate	Removed by No. 5 sizing plate	
	Number in 500 grams	Number in 500 grams	Percent	Percent	Percent	Percent	Percent	Percent
U.S. No. 1.....	2	1	0.5	1.0	4.0	0.1	0.02	1.0
U.S. No. 2.....	4	2	1.5	2.0	7.0	0.2	0.04	2.0
U.S. No. 3.....	7	5	2.0	4.0	15.0	0.8	0.08	3.0
U.S. No. 4.....	15	10	3.0	6.0	25.0	2.0	0.13	5.0
U.S. No. 5.....	30	30	6.0	10.0	35.0	3.0	0.17	10.0
U.S. No. 6.....	75	75	15.0	15.0	50.0	4.0	1.0	10.0
U.S. Sample grade.....	U.S. Sample grade shall be milled rice of any of these classes which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 6, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.							

¹ The rice of any class of milled rice, except Mixed milled rice, Calrose milled rice and Pearl milled rice grown in California, Second Head milled rice, Screenings milled rice and Brewers milled rice may contain not more than 5.0 percent of rice of non-contrasting classes in grades U.S. No. 1, U.S. No. 2, U.S. No. 3, and U.S. No. 4 and not more than 10.0 percent in grades U.S. No. 5 and U.S. No. 6.

² Color and general appearance, minimum requirements: U.S. No. 1 shall be white or creamy, and shall be well milled. U.S. No. 2 may be slightly gray, and shall be well milled. U.S. No. 3 may be light gray, and shall be reasonably well milled. U.S. No. 4 may be gray or slightly rosy, and shall be reasonably well milled. U.S. No. 5 may be dark gray or rosy, and shall be reasonably well milled. U.S. No. 6 may be dark gray or rosy, and shall be reasonably well milled.

³ Milled rice in grade U.S. No. 1 of the class Pearl milled rice may contain not more than 2.0 percent, in grade U.S. No. 2 not more than 4.0 percent, in grade U.S. No. 3 not more than 6.0 percent, and in grade U.S. No. 4 not more than 8.0 percent of chalky kernels.

⁴ These limits do not apply to the class Mixed milled rice.

⁵ Milled rice in grade U.S. No. 5 of the special grade Unpolished milled rice may contain not more than 10 percent of Red rice and damaged kernels, either singly or combined, but in any case not more than 6 percent of damaged kernels.

⁶ Milled rice in grade U.S. No. 6 may contain not more than 6.0 percent of damaged kernels.

(c) Grades and grade requirements for the class second head milled rice. (See also paragraph (g) of this section.)

Grade ¹	Maximum limits of—			
	Seeds and heat-damaged kernels		Red rice and damaged kernels (singly or combined)	Chalky kernels
	Total (singly or combined)	Heat-damaged kernels and objectionable seeds (singly or combined)		
	<i>Number in 500 grams</i>	<i>Number in 500 grams</i>	<i>Percent</i>	<i>Percent</i>
U.S. No. 1.....	15	5	1.0	3.0
U.S. No. 2.....	20	10	2.0	5.0
U.S. No. 3.....	35	15	3.0	10.0
U.S. No. 4.....	50	25	5.0	15.0
U.S. No. 5.....	75	40	10.0	20.0
U.S. Sample grade.....	U.S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.			

¹ Color and general appearance, minimum requirements: U.S. No. 1 shall be white or creamy, and shall be well milled. U.S. No. 2 may be slightly gray, and shall be well milled. U.S. No. 3 may be light gray, and shall be reasonably well milled. U.S. No. 4 may be gray or slightly rosy, and shall be reasonably well milled. U.S. No. 5 may be dark gray or rosy, and shall be reasonably well milled.

(d) Grades and grade requirements for the class screenings milled rice. (See also paragraph (g) of this section.)

Grade ¹	Maximum limits of—		
	Seeds		Chalky kernels
	Total	Objectionable seeds	
	<i>Number in 500 grams</i>	<i>Number in 500 grams</i>	<i>Percent</i>
U.S. No. 1.....	30	20	5.0
U.S. No. 2.....	75	50	8.0
U.S. No. 3.....	125	90	12.0
U.S. No. 4.....	175	140	20.0
U.S. No. 5.....	250	200	30.0
U.S. Sample grade.....	U.S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which has a badly damaged or extremely red appearance; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.		

¹ Color and general appearance, minimum requirements: U.S. No. 1 shall be white or creamy, and shall be well milled. U.S. No. 2 may be slightly gray, and shall be well milled. U.S. No. 3 may be light gray, or slightly rosy, and shall be reasonably well milled. U.S. No. 4 may be gray or rosy, and shall be reasonably well milled. U.S. No. 5 may be dark gray or very rosy, and shall be reasonably well milled.

c. Change that portion in redesignated paragraph (e) preceding the table to read as follows:

(e) Grades and grade requirements for the class Brewers milled rice. (See paragraph (g) of this section.)

The revisions incorporate certain changes in the Standards for Rough Rice, Brown Rice, and Milled Rice which were made subsequent to the publication of notices of rule-making in the FEDERAL REGISTER of April 28 and May 28, 1959. These changes were based on comments received pursuant to the notices, and it does not appear that further notice and public participation in rule-making procedure would make additional information available to the Department. The amendments to the standards should be made effective for the 1959 crop which will start to move to market about August 15, 1959. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further notice and other public procedure with respect to the

amendments are impracticable and unnecessary and good cause is found for making them effective less than 30 days after publication in the **FEDERAL REGISTER**.

The foregoing amendments to the United States Standards for Rough Rice, Brown Rice, and Milled Rice shall become effective August 15, 1959.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

Issued in Washington, D.C., this 11th day of August 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-6752; Filed, Aug. 13, 1959;
8:49 a.m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

[S.R. 817, Rev. 2, Amdt. 1]

PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Specific Authorization for Release

Basis and purpose. The purpose of the following amendment and interpretation is to clarify the regulations contained in Part 817 (23 F.R. 671) relating to bringing or importing sugar or liquid sugar into the continental United States.

Section 817.4 requires that an application on a form prescribed by the Secretary entitled "Sugar Quota Clearance Record" must be submitted no more than 10 days prior to the departure date stated thereon for each quantity of sugar to be delivered to a refinery or importer from each cargo.

Section 817.5 specifies the circumstances under which specific authorization by the Secretary is required for release of sugar by Collectors of Customs and provides that specific authorization by the Secretary is required after August 31 of any year before sugar from any area may be released by a Collector of Customs.

Paragraph (c) of § 817.4 provides that when, pursuant to § 817.5, specific authorization by the Secretary for release of sugar is not required, the application is to be submitted to the Collector of Customs at the port of entry and when specific authorization by the Secretary is required the application must be submitted to the Sugar Division.

Paragraph (b) of § 817.6 specifies how the order of eligibility for authorization shall be determined on applications submitted to the Sugar Division.

Section 817.4 does not preclude the submission of applications to the Sugar Division under circumstances in which the vessel or carrier is scheduled to depart prior to August 31 and arrive after August 31 of any year.

The following interpretation is added to clarify that under such circumstances applications may be submitted prior to August 31 of any year and further clar-

ify the manner of determining the order of eligibility of such applications received by the Sugar Division.

Questions concerning the matters covered by this amendment and interpretation have been received and shipments of sugar are now being made from the Republic of the Philippines which will not arrive until after August 31, 1959. Thus, it is imperative that this matter be clarified as soon as possible. It is, therefore, found that notice and public procedure are impracticable, unnecessary and contrary to the public interest and that the following amendment and interpretation should become effective immediately upon publication in the **FEDERAL REGISTER**.

1. Section 817.6 is amended by adding to paragraph (b) the following: "Applications, required by § 817.4 for release pursuant to § 817.5(a), received by the Sugar Division on or before August 31 of any year which cover shipments of sugar for entry into the continental United States after August 31 of that same year shall become eligible for authorization in the order of the departure dates shown on the applications and the order of eligibility shall be determined on the first business day following August 31."

2. And by adding a new paragraph (g) as follows:

(g) *Interpretations.* With respect to any shipment of sugar expected to be subject to prior authorization by the Secretary due to its entry into the continental United States after August 31, the application required by § 817.4 for release pursuant to § 817.5(a), may be submitted to the Sugar Division in accordance therewith even though the requirement for such prior authorization is not in effect at the time of such application.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or apply sec. 209; 61 Stat. 928; 7 U.S.C. 1119)

Issued this 10th day of August 1959.

E. L. PETERSON,
Acting Secretary.

[F.R. Doc. 59-6730; Filed, Aug. 13, 1959;
8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER F—POULTRY IMPROVEMENT

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN (CHICKENS AND CERTAIN OTHER POULTRY)

PART 146—NATIONAL TURKEY IMPROVEMENT PLAN (TURKEYS AND CERTAIN OTHER POULTRY)

Miscellaneous Amendments

Pursuant to § 147.22 of Auxiliary Provisions on National Poultry and Turkey Improvement Plans and under section 101(b) of The Department of Agriculture Organic Act of 1944, as amended (7

U.S.C. 429), §§ 145.23 and 145.24 of Part 145, and §§ 146.30 and 146.31 of Part 146, Title 9, Code of Federal Regulations, are hereby amended in the following respects:

1. Paragraph (e) (2) of § 145.23 is amended to read as follows:

§ 145.23 U.S. Performance Tested Parent Stock; entry.

* * *

(2) The sample shall be taken from each sampled flock in the proportion the number of birds in each such flock are to the total number of birds in the flocks to be sampled. When the sample is taken from one flock, it shall be taken from each sampled house or pen in the proportion the number of birds in each such house or pen are to the number of birds in the flock.

2. Paragraph (a) (1) and (2) of § 145.24 are amended to read as follows:

§ 145.24 U.S. Performance Tested Parent Stock; flock qualification.

(a) * * *

(1) Performance Tested Parent Stock for egg production when such stock represented in one or more officially recognized central or multiple unit random sample egg production tests ranked in the upper one-fourth of the entries, after adjusting for location effects and number of tests entered, or was not significantly different from the lowest ranking entry of the upper one-fourth of the entries, in income above feed and chick costs per pullet housed.¹

(2) Performance Tested Parent Stock for meat production when such stock represented in one or more officially recognized random sample meat production tests ranked in the upper one-fourth of the entries, after adjusting for location effects and number of tests entered, or was not significantly different from the lowest ranking entry of the upper one-fourth of the entries, in rate of egg production on a hen-housed basis and in rate of growth.¹

3. Paragraph (i) (8) of § 146.30 is deleted and a new paragraph (i) (8) is added, to read as follows:

§ 146.30 Central turkey meat production test.

* * *

(8) The percentage of birds with the following defects: Pendulous crop, roach back, leg weakness, and breast blisters.

4. Paragraph (f) (8) of § 146.31 is deleted and a new paragraph (f) (8) is added, to read as follows:

§ 146.31 On-the-farm turkey meat production test.

* * *

(8) The percentage of birds with the following defects: Pendulous crop, roach back, leg weakness, and breast blisters.

(Sec. 101, 58 Stat. 734, as amended; 7 U.S.C. 429; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the **FEDERAL REGISTER**.

These amendments are based on recommendations of the General Conference Committee. Some of the amendments relieve certain restrictions presently imposed under the National Poultry Improvement Plan and the National Turkey Improvement Plan, and should be made effective promptly in order to be of maximum benefit to affected persons. Other amendments imposing new requirements under the National Turkey Improvement Plan are consistent with a unanimous recommendation made to the Committee by the Supervisors of the presently operating central turkey meat production tests and should be made effective without delay in order better to effectuate the purposes of the Plan. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 10th day of August 1959.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-6753; Filed, Aug. 13, 1959;
8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter V—National Aeronautics and Space Administration

PART 1201—PATENTS

Subpart A—Patent Provisions for Contracts

CONTRACT CLAUSES

The following miscellaneous amendments have been made to Clause IX-A of § 1201.190 *Appendix A—Contract clauses prescribed by this subpart*:

1. A new subparagraph (iv) is added to paragraph (a) of this clause as follows:

(a) * * *

(iv) "Subcontract" and "subcontractor" means any subcontract or subcontractor of the Contractor, and any lower-tier subcontract or subcontractor under this contract.

2. Paragraph (h) (i) of this clause is amended to make clear that all the provisions of the clause, except paragraphs (j) and (k) are to be included in appropriate subcontracts, regardless of the tier of such subcontracts. The first sentence of paragraph (h) (i) as amended, now reads as follows:

(h) (i) In each subcontract hereunder which, pursuant to specifications or special requirements, has as one of its purposes the performance of technical, scientific, or engineering work of the kind described below,

the Contractor shall include, at no increase in the cost or price of the subcontract or of this contract by reason of such inclusion, all the provisions of this Property Rights in Inventions clause except provisions (j) and (k) below:

3. Paragraph (l) of this clause is amended to delete the word "only" occurring in line 2 of the first sentence of such paragraph so that the sentence now reads as follows:

(l) The provisions of this paragraph (l) shall be applicable if the technical, scientific, or engineering work to be performed hereunder relates to atomic energy.

(Sec. 203, Pub. 85-568)

The clause with the foregoing changes may be used beginning August 14, 1959, and is mandatory one month thereafter.

HUGH L. DRYDEN,
Deputy Administrator.

[F.R. Doc. 59-6726; Filed, Aug. 13, 1959;
8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 4, Further Amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950—)

State and Local Coverage and Reports

Regulations No. 4, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. Section 404.1201(a) is amended to read as follows:

§ 404.1201 General effect of section 218 of the Act.

(a) *States.* Under the provisions of section 218 of the act a State may request the Secretary of Health, Education, and Welfare to enter into an agreement with the State for the purpose of extending to certain employees of the State and its political subdivisions protection accorded other employees by the old-age, survivors, and disability insurance system embodied in the Social Security Act. Each State may signify its intention to extend the benefits of the system to certain groups of its employees and to certain groups of employees of its political subdivisions by requesting the Secretary of Health, Education, and Welfare to enter into an agreement with the State to provide for coverage under the old-age, survivors, and disability insurance system of any one or more groups of such employees.

2. Section 404.1221(b) is amended to read as follows:

§ 404.1221 Rate and computation of contributions.

* * * * *

(b) *Contributions for calendar years after 1954.* (1) The rates of taxes imposed on employees by section 3101 of the Internal Revenue Code of 1954 for the respective calendar years are as follows:

	Percent
For the calendar years 1955 and 1956..	2
For the calendar years 1957 and 1958..	2 $\frac{1}{4}$
For the calendar year 1959.....	2 $\frac{1}{2}$
For the calendar years 1960 to 1962, both inclusive.....	3
For the calendar years 1963 to 1965, both inclusive.....	3 $\frac{1}{2}$
For the calendar years 1966 to 1968, both inclusive.....	4
For the calendar year 1969 and subsequent years.....	4 $\frac{1}{2}$

(2) The rates of taxes imposed on employers by section 3111 of the Internal Revenue Code of 1954 for the respective calendar years are as follows:

	Percent
For the calendar years 1955 and 1956..	2
For the calendar years 1957 and 1958..	2 $\frac{1}{4}$
For the calendar year 1959.....	2 $\frac{1}{2}$
For the calendar years 1960 to 1962, both inclusive.....	3
For the calendar years 1963 to 1965, both inclusive.....	3 $\frac{1}{2}$
For the calendar years 1966 to 1968, both inclusive.....	4
For the calendar year 1969 and subsequent years.....	4 $\frac{1}{2}$

3. Section 404.1227 is amended to read as follows:

§ 404.1227 Failure to make payments.

If any State which has entered into an agreement with the Secretary of Health, Education, and Welfare pursuant to section 218 of the Social Security Act, as amended, does not pay the contributions at the time or times such contributions are due, the Secretary of Health, Education, and Welfare may deduct the amounts of such unpaid contributions plus interest from any amounts certified by him to the Secretary of the Treasury for payments to such State under title I, title IV, title V, title VI or title X of the Social Security Act, as amended. The Secretary of Health, Education, and Welfare will notify the Secretary of the Treasury of the amounts so deducted and request him to credit such amounts to the Trust Funds. Amounts so deducted shall be deemed to have been paid to the State under such other provision of the Social Security Act, as amended. (See § 404.1223 relating to time of payment; see § 404.1225 relating to rate of interest.)

4. Section 404.1240 (c) and (d) is amended to read as follows:

§ 404.1240 Identification numbers.

* * * * *

(c) *Unit numbers for payroll record units.* If a State or any political subdivision thereof maintains more than one payroll record unit with respect to the employees in any one or more coverage groups included under the agreement, the lists referred to in paragraphs (a) and (b) of this section shall also indicate the agencies, departments, or other branches of the State and of such political subdivisions, the records for which are maintained in each such payroll unit, the title of the official in charge of such payroll unit and the business address of such official. A unit number will be assigned to each separate payroll record unit within a State or within any political subdivision thereof.

(d) *Use.* The identification number (including coverage group numbers assigned to coverage groups and unit numbers assigned to payroll record units) shall be shown on the State's records, reports, returns, and claims to the extent required by §§ 404.1254, 404.1255(a), 404.1256, and 404.1263 and by the instructions relating to Forms OAR-S1, OAR-S2, OAR-S3, OAR-S4, and OAR-S11 to be used by States for reporting wages, adjustments, and contributions.

5. Section 404.1242(b) is amended to read as follows:

§ 404.1242 Duties of employee with respect to his account number.

(b) *Duties if employee does not have an account number card in his possession—*(1) *Where employee has no receipt for application for account number.* If when an individual first performs services in employment for wages as an employee in a coverage group included in an agreement, such individual does not have an account number card or a receipt issued to him by an office of the Social Security Administration acknowledging that application for an account number has been received, he shall furnish to the State or political subdivision by which he is employed, as the case may be, an application on Form SS-5 completely filled in and signed by him. If a copy of Form SS-5 is not available, the individual shall in lieu thereof furnish the State or political subdivision by which he is employed, as the case may be, a statement in writing, signed by him setting forth the date of the statement, his full name, present address, date and place of birth, father's full name, mother's full name before marriage, and the individual's sex and color, including a statement as to whether he has previously filed application on Form SS-5, and if so the date and place of such filing. The furnishing of an executed Form SS-5, or statement in lieu thereof, by the individual to the State or political subdivision, as the case may be, does not relieve such individual of his obligation to make application on Form SS-5 and file it with a district office of the Social Security Administration as required by § 404.1241; and when the individual has done so, and has received therefor a receipt acknowledging that application for an account number has been received, he shall promptly show such receipt to the State or political subdivision thereof by which he is employed. (For provisions related to the disposition to be made by the State of an executed Form SS-5 or a statement in lieu thereof furnished by the individual under this subparagraph, see § 404.1243(b)(2).)

(2) *Where employee has receipt.* If the individual for any reason does not have an account number card in his possession, he shall, in every case, show his account number card in accordance with paragraph (a) of this section as soon as he receives it, whether or not at that time he is still performing services in employment for wages as an employee in a coverage group included in an agreement. However, if such individual has

available a receipt issued to him by an office of the Social Security Administration, acknowledging that application for account number has been received, the individual shall show such receipt and thereafter shall show his account number card promptly upon its receipt by him. (For provisions related to the duties of the State when an individual shows such a receipt see § 404.1243(a).)

6. Section 404.1243(b) is amended to read as follows:

§ 404.1243 Duties of State with respect to employees' account numbers.

(b) *Where employee has no account number.* In any case in which the individual has not shown his account number card to the State or political subdivision, as the case may be, prior to the time the State's report on Form OAR-S3 is filed for any quarter during which the employee receives wages from such State or political subdivision:

(1) If the individual has shown, as provided in § 404.1242(b)(1) or (2), a receipt of the Social Security Administration acknowledging that application for account number has been received from him, the State shall enter or cause to be entered on the report with the entry with respect to such individual the words "Temporary Receipt" together with the name and address of the individual exactly as shown in the receipt, the date of issue of the receipt, address of the issuing office; or

(2) If the individual has furnished, as provided in § 404.1242(b)(1), an executed Form SS-5, or statement in lieu thereof, the State shall attach or cause to be attached a copy of such form or statement to the report. The State shall retain or cause to be retained the copy executed by the individual until he shows his account number card; or

(3) If the individual has not shown his account number card or an executed Form SS-5, and does not submit a statement to the State or political subdivision by which he is employed, as provided in § 404.1242(b)(1), the State or political subdivision shall file a statement in writing with a district office of the Social Security Administration, setting forth the date of the statement, full name of the employee, his present address, date and place of birth, father's full name, mother's full name before marriage, and the individual's sex and color, and, in lieu of the employee's signature, a notation that the employee refused to file application for account number. An account number will be assigned to the employee and communicated to the State or political subdivision furnishing such statement, and such account number will be entered on the wage reports filed with respect to the wages of such employee. When the individual shows his account number card or receipt the State shall return or cause to be returned to the individual any executed Form SS-5 or statement in lieu thereof together with copies thereof, furnished by such individual to the State or political subdivision in accordance with § 404.1242(b)(1).

7. In § 404.1250, paragraphs (a)(1) and (3), (b), and (d)(3) are amended to read as follows:

§ 404.1250 Wage reports and contribution returns.

(a) *In general—*(1) *Wage reports.* Every State which enters into an agreement shall make or cause to be made, with respect to individuals performing services in employment as employees in a coverage group included in an agreement, a wage report on Form OAR-S3 for each calendar quarter (whether or not wages are paid therein), beginning with the first calendar quarter with respect to which the agreement is effective, until it files a final report as required by the provisions of § 404.1252. Every State shall make such wage report on Form OAR-S3 with respect to employees of the State in each coverage group included in an agreement and shall obtain, with respect to employees in every other coverage group included in the agreement a complete and correct wage report on Form OAR-S3 for the employees in each such coverage group. The State shall prepare a recapitulation report, Form OAR-S2, identifying each political subdivision by the identification number assigned to each political subdivision and, where appropriate, identifying each political subdivision and each coverage group by the coverage group number and the payroll record unit number assigned to it, in accordance with instructions relating to Form OAR-S2, and shall file the original of the recapitulation report, along with the original of each wage report (Form OAR-S3), with the Department of Health, Education, and Welfare, Social Security Administration, Baltimore, Maryland.

(3) *Contribution returns.* The State shall also file with the Federal Reserve Bank, or any branch thereof, serving the district in which the State is located, a quarterly contribution return (Form OAR-S1), and shall accompany such return with payment of the amount of contributions due and payable. A Certificate of Deposit (Form OAR-S11) shall be filed in quintuplicate. It is not necessary that any of the copies of Form OAR-S11 be signed by the depositing officer of the State. Form OAR-S1 shall be securely stapled to the back of the triplicate copy of Form OAR-S11. Checks for such contributions shall be made payable to the Treasurer of the United States. A copy of the contribution return (Form OAR-S1) shall be attached to the recapitulation report (Form OAR-S2) filed by the State with the Department of Health, Education, and Welfare. For the purposes of reports and returns under the act, the quarters shall each be three calendar months as follows: (i) January 1 to March 31, both dates inclusive; (ii) from April 1 to June 30, both dates inclusive; (iii) from July 1 to September 30, both dates inclusive; and (iv) from October 1 to December 31, both dates inclusive.

(b) *Employees performing services in more than one coverage group—*(1) *Employee of State in more than one coverage group.* Where an individual per-

forms services in employment as an employee of the State in more than one coverage group included in an agreement, the aggregate wages paid to such employee by the State, not in excess of \$3,600 paid in any calendar year prior to 1955, not in excess of \$4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of \$4,800 paid in any calendar year after 1958 by the State, shall be reported in the report filed for only one such coverage group, in such manner as may be specified in the agreement.

(2) *Employee of political subdivision in more than one coverage group.* Where an individual performs services in employment as an employee of a political subdivision of the State in more than one coverage group included in an agreement, the aggregate wages paid to such employee by the political subdivision, not in excess of \$3,600 paid in any calendar year prior to 1955, not in excess of \$4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of \$4,800 paid in any calendar year after 1958 by the political subdivision, shall be reported in the report filed for only one such coverage group, in such manner as may be specified in the agreement.

(3) *Employee of State and of one or more political subdivisions.* Where an individual performs services in employment as an employee of the State in one or more coverage groups included in an agreement and as an employee of one or more political subdivisions of a State in one or more coverage groups included in an agreement, the aggregate wages paid to such employee by the State, not in excess of \$3,600 paid in any calendar year prior to 1955, not in excess of \$4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of \$4,800 paid in any calendar year after 1958 by the State, shall be reported by the State in accordance with subparagraph (1) of this paragraph, and the aggregate wages paid to such employee by each political subdivision of the State, not in excess of \$3,600 paid in any calendar year prior to 1955, not in excess of \$4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of \$4,800 paid in any calendar year after 1958 by each such political subdivision, shall be reported by each such political subdivision in accordance with subparagraph (2) of this paragraph.

(4) *Employee of more than one political subdivision.* Where an individual performs services in employment as an employee of one political subdivision in one or more coverage groups included in an agreement and as an employee of one or more other political subdivisions in one or more coverage groups included in an agreement, the aggregate wages paid to such employee by each such political subdivision, not in excess of \$3,600 paid in any calendar year prior to 1955, not in excess of \$4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of \$4,800 paid in any calendar year after 1958 by each such political subdivision, shall be reported by each such political subdivision in accordance with subparagraph (2) of this paragraph.

(d) *Filing of single wage report where individual is jointly employed by more than one employer.* * * *

(3) There is filed by such agent one wage report for each calendar quarter on Form OAR-S3, which includes the aggregate of the wages paid to such individuals as employees of the State and as employees of any of its political subdivisions, or as employees of any two or more political subdivisions, as the case may be. In computing the aggregate wages to be reported, there shall be included in the wage report the wages (not in excess of \$4,200 paid in any calendar year subsequent to 1954 and prior to 1959, and not in excess of \$4,800 paid in any calendar year after 1958) paid or caused to be paid by the State and the wages (not in excess of \$4,200 paid in any calendar year subsequent to 1954 and prior to 1959, and not in excess of \$4,800 paid in any calendar year after 1958) paid or caused to be paid by each political subdivision of the State, or, if the individual is not employed by the State, the wages (not in excess of \$4,200 paid in any calendar year subsequent to 1954 and prior to 1959, and not in excess of \$4,800 paid in any calendar year after 1958) paid or caused to be paid by each political subdivision of the State by which such individual is employed (for provisions relating to the furnishing of wage statements to employees, see § 404.1230).

8. Section 404.1252 (a) and (b) is amended to read as follows:

§ 404.1252 Final reports.

(a) *Termination of agreement.* A final report can be filed only by a State whose agreement with the Secretary has been terminated. The last report on Form OAR-S3 for each coverage group included in an agreement of any State whose agreement has been terminated shall be marked "final report." Such report shall be filed by the State in accordance with § 404.1250(a) at or before the time specified in § 404.1255(a) for the calendar quarter during which the final payment of wages subject to the agreement is made for services in employment performed by an individual as an employee in a coverage group, and shall plainly show the period covered and also the date of the last payment of wages. There shall be executed as a part of each final report a statement giving the title and business address of the official of the State responsible for keeping the records of the State and the title and business address of each official of the State and each official of its political subdivisions responsible for keeping the records of any political subdivision included in an agreement for the periods covered by the agreement in the event that it is necessary to communicate with the State or any of its political subdivisions regarding such records.

(b) *Partial termination of agreement.* If an agreement is not terminated in its entirety, but is terminated only with respect to one or more coverage groups, the last wage report on Form OAR-S3 for each such coverage group shall be marked "final report" and there shall be attached to each such report a statement

setting forth the title and business address of the official responsible for keeping the records with respect to such coverage group or groups for the periods covered by the agreement. Such report shall be filed in the manner, at the time, and for the period as set forth in paragraph (a) of this section.

9. Section 404.1254 is amended to read as follows:

§ 404.1254 Use of prescribed forms.

(a) *Procurement of forms.* Copies of prescribed return and report forms will, as far as possible, be regularly furnished the State by the Department of Health, Education, and Welfare without application therefor. A State will not be excused from making a return, or report, however, by the fact that no return or report form has been furnished to it. States not supplied with the proper forms should make application therefor to the Department of Health, Education, and Welfare, Social Security Administration, Baltimore, Maryland, in ample time to have returns and reports prepared and verified, compiled and filed with the Department of Health, Education, and Welfare and Federal Reserve Banks on or before the due date (see § 404.1255 relating to the place and time for filing returns and reports, see also § 404.1252 relating to final reports).

(b) *Compliance with instructions.* Each contribution return and wage report, together with a copy thereof and any supporting data, shall be filled in and disposed of in accordance with the instructions and regulations applicable thereto. (See § 404.1255 relating to the place and time for filing returns and reports and § 404.1256 (c) and (e) relating to copies of returns, reports, schedules and statements, and to the place and period for keeping records.) The returns and reports should set forth fully and accurately the data therein called for. Returns and reports which have not been so prepared will not be accepted as meeting the requirements of the act nor the terms of the agreement under which the State is reporting. Only one wage report for a reporting period with regard to services covered under an agreement shall be filed by or for a State. Any supplemental, adjustment, or correctional wage report filed for such period in accordance with § 404.1261, § 404.1262, § 404.1263, or § 404.1264 shall constitute a part of such wage report. Individual wage reports of political subdivisions may not be filed directly with the Department of Health, Education, and Welfare by political subdivisions, but must be filed by the State as a part of the State's consolidated report.

(c) *Correction of errors.* If in a wage report or in any other manner the State fails to report or incorrectly reports to the Department of Health, Education, and Welfare the wages of an employee, the State shall fully advise the Department of Health, Education, and Welfare of the omission or error on a report of adjustments (Form (OAR-S4)). The State shall include in such report the identification number of the political

subdivision involved, each calendar quarter for which the data were omitted or for which the incorrect data were furnished, the data incorrectly reported for each period, and the data which should have been reported. The State shall retain or cause to be retained a copy of each such Form OAR-S4 as a part of its records.

10. Section 404.1255(a) is amended to read as follows:

§ 404.1255 Place and time for filing contribution returns and wage reports.

(a) *In general.* Each wage report on Form OAR-S3, together with a recapitulation report (Form OAR-S2) shall be filed with the Department of Health, Education, and Welfare, Social Security Administration, Baltimore, Maryland. Contribution returns shall be filed in the manner prescribed in § 404.1250(a) (2), together with the contribution payment, with the Federal Reserve Bank, or branch thereof, serving the district in which the State is located. Such returns shall be filed with respect to contributions for any wage payment or any supplemental wage payment reported on Form OAR-S3. Such returns shall also be filed if contributions are payable with respect to any adjustment of wages reported on Form OAR-S4 or Form OAR-S19. Except as provided in the next sentence and in paragraph (b) of this section, the contribution return and wage report for any calendar quarter any part of which is in the first 12-month period following the date of acceptance of an agreement by the Secretary (but not including the date of acceptance of any modification thereof) shall be filed on or before the last day of the second month following the calendar quarter for which it is made; the contribution return and wage report for any subsequent calendar quarter shall be filed on or before the fifteenth day of the second month following the calendar quarter for which it is made. Except as provided in paragraph (b) of this section, contribution returns and wage reports filed by or on behalf of an instrumentality of two or more States for any calendar quarter no part of which is in the first 12-month period following the date of acceptance of an agreement (but not including the date of acceptance of any modification thereof) shall be filed on or before the last day of the first month following the calendar quarter for which it is made. *Provided, however,* That the Secretary, for good cause shown, may, upon application by a State, allow such further time as he may deem proper for the filing of contribution returns and wage reports for the periods for which they are made. The official responsible for preparing wage reports on Form OAR-S3 for the State and the official responsible for preparing wage reports on Form OAR-S3 for each political subdivision (or, if the State or political subdivision shall designate its coverage groups or payroll units, the wage reports on Form

OAR-S3 for such coverage groups or payroll units) shall file the Form OAR-S3 with the State agency on or before the last day of the first month following the calendar quarter for which it is made. If wage reports on Form OAR-S3 for the State or for all the political subdivisions included in the agreement have not been received by the State in time to permit the State to file a completed consolidated wage report and the completed contribution return on or before the due date, the State shall indicate on the recapitulation report (Form OAR-S2) each political subdivision or coverage group with respect to which no report on Form OAR-S3 has been received for the calendar quarter for which the consolidated report is being submitted. The State, promptly upon receipt of the wage report for the delinquent political subdivision, shall file such report, with the Department of Health, Education, and Welfare and shall file with the Federal Reserve Bank, or branch thereof, a contribution return with respect to wages reported in such report and shall pay the contributions thereon plus interest. If the last day for filing any contribution return or wage report falls on Sunday or a legal holiday, the return or wage report may be filed on the next following business day. If placed in the mails, the contribution return or wage report shall be posted in ample time to reach the Federal Reserve Bank, or branch thereof, or the Department of Health, Education, and Welfare under ordinary handling of the mails on or before the due date. (As to interest assessable for failure to file a contribution return within the prescribed time see § 404.1226.)

11. Section 404.1262 (a) and (b) is amended to read as follows:

§ 404.1262 Adjustment of overpayment of contributions.

(a) *In general.* If a State pays more than the correct amount of contributions, the State shall cause the adjustment of the overpayment by reporting such amount either as an adjustment of total contributions due with the first quarterly wage report filed after notification of the overpayment by the Social Security Administration or as a single adjustment of total contributions due with any contribution return filed prior to the filing of such quarterly wage report. Such report or return shall include, or be accompanied by, a statement of the reason for the overpayment and of the reason why adjustment is in order.

(b) *Overpayment due to overreporting of wages.* If the overpayment is due to an overreporting of the amount of wages paid to one or more employees during one or more calendar quarters, and such overpayment is not adjusted in accordance with paragraph (a) of this section, a report on Form OAR-S4 showing the amount or amounts of wages previously reported for the quarter or quarters and the correct amount or amounts of wages, if any, paid to such employee in such

calendar quarter or quarters, shall be filed upon ascertainment of the error by the State, together with a copy of the Form OAR-S1 prepared in accordance with the instructions contained thereon. Such report shall include, or be accompanied by, a statement of the reason why the original reporting of wages was incorrect.

12. The titles of paragraphs (a) and (b) of § 404.1263 are amended to read as follows:

§ 404.1263 Refund or recomputation of overpayments which are not adjustable.

(a) *When payment has been made.* * * *

(b) *When payment has not been made.* * * *

(Sec. 205(a), 53 Stat. 1368 as amended, section 1102, 49 Stat. 647 as amended; 42 U.S.C. 405(a), 1302; section 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18. Interprets and applies sec. 218 (e) and (1), 64 Stat. 514, 42 U.S.C. 418 (e) and (1))

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: July 31, 1959.

ARTHUR S. FLEMMING,
*Secretary of Health, Education,
and Welfare.*

AUGUST 10, 1959.

[F.R. Doc. 59-6734; Filed, Aug. 13, 1959;
8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 130—NEW DRUGS

Subpart A—Procedural and Interpretative Regulations

SUPPLEMENTAL NEW-DRUG APPLICATIONS

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U.S.C. 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500; 21 CFR, 1958 Supp., 130.4), the procedural and interpretative regulations pertaining to new drugs (21 CFR, 1958 Supp., 130.9) are amended as follows:

1. Section 130.9 is amended by designating the present text of the section as paragraph (a); by changing the fifth sentence to read: "A supplemental application is not required when the article is no longer a new drug, under the labeling submitted in the new-drug application, unless the proposed change itself causes it to become a new drug"; and by designating this sentence as paragraph (c).

2. Section 130.9 is further amended by adding thereto a new paragraph designated as (b).

As amended, § 130.9 reads as follows:
§ 130.9 Supplemental applications.

(a) After an application is effective, a supplemental application may propose changes. The supplemental application may omit statements made in the effective application concerning which no change is proposed. A supplemental application should be submitted for any change beyond the variations provided for in the application, that may alter the conditions of use, the labeling, the safety, identity, strength, quality, or purity of the drug or the adequacy of manufacturing methods, facilities, or controls to preserve them. When necessary for the safety of the drug, a supplemental application may be required to specify a period of time within which the proposed change will be made; and in such case the distribution of the drug after such time without such change constitutes distribution without an effective new-drug application. If a material change is made from the representations in an effective application for a new drug before a supplement is effective for such change, the application may be suspended under § 130.27.

(b) The submission of a supplemental new-drug application is not required for changes made in the new drug, or in its labeling, or in the manufacturing facilities, or controls under which it is produced, that are not significant from the standpoint of the safety of the new drug as established by the original new-drug application. The holder of an effective new-drug application should submit to the New Drug Branch, in writing, full details of any proposed change or changes, and he will be notified in writing whether, in the Food and Drug Administration's opinion, a supplemental application is required for such change or changes.

(c) A supplemental application is not required when the article is no longer a new drug, under the labeling submitted in the new-drug application, unless the proposed change itself causes it to become a new drug.

Compliance with the notice of proposed rule-making, public procedure, and delayed effective date contemplated by section 4 of the Administrative Procedure Act is not necessary in connection with the promulgation of this order and would be contrary to the public interest, and I so find, since the amendment effected relieves the affected industry of certain restrictions heretofore applied and since the public and the affected industry will benefit by the earliest effective date.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 505, 52 Stat. 1052, 1053; 21 U.S.C. 355)

Dated: August 7, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 59-6731; Filed, Aug. 13, 1959; 8:47 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER B—RESPIRATORY PROTECTIVE AP- PARATUS; TESTS FOR PERMISSIBILITY; FEES

[Bureau of Mines Schedule 23B]

PART 14a—NONEMERGENCY GAS RESPIRATORS (CHEMICAL CAR- TRIDGE RESPIRATORS, INCLUDING PAINT SPRAY RESPIRATORS)

There was published in the FEDERAL REGISTER of May 12, 1959 (24 F.R. 3795), a notice and text of proposed revision of the regulations of Subchapter B of Title 30, Code of Federal Regulations, prescribing procedures for testing and approving nonemergency Gas Respirators (Chemical Cartridge Respirators, Including Paint Spray Respirators).

Interested persons were allowed 30 days after publication of the notice to submit written comments, suggestions, or objections concerning the proposed revision. Two suggestions for modification were received but after careful consideration it was decided to make no change. The proposed revision of the regulations, therefore, is adopted without change and is set forth below.

MARLING J. ANKENY,
Director, Bureau of Mines.

Approved: August 8, 1959.

FRED A. SEATON,
Secretary of the Interior.

Part 14a of Title 30 reads as follows:

- | | |
|-----------------------------------|---|
| Subpart A—General Provisions | |
| Sec. | Purpose. |
| 14a.1 | Definitions. |
| 14a.2 | Consultation. |
| 14a.3 | Types of respirators for which certificates of approval may be granted. |
| 14a.4 | Fees for investigation. |
| 14a.5 | Applications. |
| 14a.6 | Date for conducting tests. |
| 14a.7 | Conduct of investigations, tests, and demonstrations. |
| 14a.8 | Certificates of approval. |
| 14a.9 | Approval labels and markings. |
| 14a.10 | Material required for record. |
| 14a.11 | Changes after certification. |
| 14a.12 | Withdrawal of certification. |
| 14a.13 | |
| Subpart B—Respirator Requirements | |
| 14a.20 | Design and construction. |
| 14a.21 | Component parts. |
| 14a.22 | Cartridges and containers—color and markings. |
| 14a.23 | Facepiece. |
| 14a.24 | Breathing tube. |
| 14a.25 | Harness. |
| 14a.26 | Cartridges in parallel. |
| 14a.27 | Materials of construction. |
| Subpart C—Test Requirements | |
| 14a.30 | Facepiece tests. |
| 14a.31 | Cartridge tests. |
| 14a.32 | Mechanical filter tests. |
| 14a.33 | Tests of complete nonemergency gas respirator. |

AUTHORITY: §§ 14a.1 to 14a.33 issued under sec. 5, 36 Stat. 370, as amended, 30 U.S.C. 7, 492. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, secs. 201, 209, 66 Stat. 692, 703; 30 U.S.C. 3, 5, 471, 479.

Subpart A—General Provisions

§ 14a.1 Purpose.

The regulations in this part set forth the requirements for nonemergency gas respirators to procure their certification as approved for use in atmospheres containing limited concentrations of organic vapors with or without particulate contaminants, including such atmospheres in coal mines; procedures for applying for such certification; and fees.

§ 14a.2 Definitions.

As used in this part—

(a) "Permissible," as applied to non-emergency gas respirators (chemical cartridge respirators, including paint spray respirators) means that the respirator conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Bureau" means the United States Bureau of Mines.

(c) "Certificate of approval" means a formal document issued by the Bureau stating that the respirator has met the requirements of this part for non-emergency gas respirators and authorizing the use and attachment of an official approval label or marking so indicating.

(d) "Nonemergency gas respirator" means a completely assembled device (chemical cartridge respirator, including paint spray respirator) designed to provide respiratory protection against atmospheres which contain not more than 0.1 percent by volume¹ (1,000 parts per million (p.p.m.)) of organic vapors; and which are not immediately dangerous to life but which may produce discomfort, or a chronic type of poisoning or affection after repeated exposure, or mild or acute adverse physiological symptoms after prolonged exposure.

(e) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs and manufactures, or assembles, a nonemergency gas respirator and seeks a certificate of approval thereof.

§ 14a.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, and discuss with qualified Bureau personnel proposed designs of respirators to be submitted in accordance with the requirements of the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

§ 14a.4 Types of respirators for which certificates of approval may be granted.

(a) Certificates of approval will be granted for completely assembled non-emergency gas respirators only and not for individual parts or subassemblies.

¹ All concentrations given in this part have been calculated on a basis of 25° C. and 760 mm. mercury pressure.

(b) Two types of nonemergency gas respirators may be certified for protection against atmospheres containing not more than 0.1 percent by volume (1,000 parts per million (p.p.m.)) of organic vapors as follows:

(1) *Type B.* For protection against organic vapors, such as acetone, alcohol, benzene, carbon tetrachloride, ether, formaldehyde, gasoline and petroleum distillates, and toluene.

(2) *Type BE.* For protection against organic vapors in combination with dusts, fumes, and mists, including dispersoids from paint-spraying operations.

NOTE: The type letter E indicates protection against particulate contaminants.

§ 14a.5 Fees for investigation.

(a) The full fee must accompany an application for testing a respirator or for retesting equipment that has been previously tested and disapproved. If less work is involved than for a complete investigation, the charge will be in proportion to the work done. Any surplus will be refunded to the applicant.

(b) The fee for tests covering only part of a complete investigation will be charged according to the work involved and will be in proportion to that charged for a complete investigation. The fee for such tests shall be determined in advance by the Bureau and the applicant notified accordingly in writing.

(c) The fee for an extension of certification will be determined according to the work required and the applicant will be notified accordingly. The fee must be paid in advance before the investigation will be undertaken.

(d) The following fees are charged for testing types B and BE nonemergency gas respirators:

(1) Type B—Organic vapors, complete respirator.....	\$510
(2) Type BE—Dusts, fumes, or mists in combination with organic vapors. Fee for filter tests in addition to that required for Type B:	
(i) Pneumoconiosis - producing and nuisance dusts.....	130
(ii) Toxic dusts.....	160
(iii) Dusts—combination of (i) and (ii).....	190
(iv) Fumes.....	190
(v) Silica mist.....	160
(vi) Chromic acid mist.....	220
(vii) Mists of paints, lacquers, and enamels.....	670
(3) Facepiece alone.....	60
(4) Cartridge(s) alone.....	450
(5) Additional examination and tests of respirator in connection with other tests, per man-day required.....	40
(6) Fees for testing unusually complicated equipment or for unusual tests or other tests not included in the above list will be determined in advance by the Bureau. The applicant will be notified accordingly in writing and the fee shall be paid before the tests are begun.	

§ 14a.6 Applications.

(a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in dupli-

cate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees, and all prescribed drawings, specifications, and related materials. The application and all related matters and all correspondence concerning it shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Health Research.

(b) The application shall state that the respirator has been subjected to inspections and tests described in Subparts B and C, and that the device has met these requirements when tested by the applicant or his testing agency. Two copies of the results of all the applicant's inspections and tests shall accompany the application.

(c) Drawings and specifications shall be adequate in number and detail to identify fully the design of the respirator and to disclose its materials and detailed dimensions of all parts. Specifications must be given for materials, components, and subassemblies.

(d) The application shall state the purpose of the respirator, giving the types and specific kinds of atmospheric contaminants against which it is designed to furnish respiratory protection.

(e) The application shall state that the respirator is completely developed and of the design and materials which the applicant believes to be suitable for a finished marketable product.

(f) The application shall state the nature, adequacy, and continuity of control of the absorbents for gases or vapors, and characteristics of the filter material. The statement shall describe how each lot of absorbent and filter material will be sampled and tested to maintain its protective qualities before it is used in the applicant's nonemergency gas respirator. The Bureau reserves the right to have its qualified representative(s) inspect the applicant's control-test equipment and control-test records, and to interview the personnel who conduct the control tests to satisfy the Bureau that the proper procedure is being followed to insure the safety of the wearer of the nonemergency gas respirator for the intended service.

(g) When the Bureau notifies the applicant that the application will be accepted, it will also notify him as to the number of completely assembled respirators that will be required for testing together with the number of cartridges, filters, and other parts. All materials required for testing must be delivered (charges prepaid) to the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania.

§ 14a.7 Date for conducting tests.

The date of acceptance of an application will determine the order of precedence for testing when more than one application is pending, and the applicant will be notified of the date on which tests will begin. If a respirator fails to meet any of the requirements, it shall

lose its order of precedence. If an application is submitted to resume testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for testing will be so determined.

§ 14a.8 Conduct of investigations, tests, and demonstrations.

Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential and shall not disclose principles or patentable features prior to certification, nor shall it disclose the results of chemical analyses of materials, or any details of the applicant's drawings, specifications, and related material. After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved respirator as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers.

§ 14a.9 Certificates of approval.

(a) Upon completion of investigation of a respirator, the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a certificate of approval is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defects, with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on a respirator upon which a notice of disapproval has been issued.

(b) A certificate of approval will be accompanied by a list of the drawings and specifications covering the details of design and construction of the respirator upon which the certificate of approval is based. Applicants shall keep exact duplicates of the drawings and specifications that have been submitted to the Bureau and that relate to the respirator which has received a certificate of approval, and these are to be adhered to exactly in production of the certified respirator for commercial purposes, in addition to the applicant's control of absorbents and filter materials.

§ 14a.10 Approval labels or markings.

(a) A certificate of approval will be accompanied by photographs of designs for approval labels—one for the complete nonemergency gas respirator, one for the cartridge, and one for the filter unit if separate from the cartridge. The labels shall bear the seal of the Bureau of Mines and shall be inscribed substantially as follows:

PERMISSIBLE NONEMERGENCY GAS RESPIRATOR,
OR PERMISSIBLE CARTRIDGE FOR ORGANIC
VAPORS OR ORGANIC VAPORS AND -----
(Applicable type of dispersoid)

U.S. BUREAU OF MINES APPROVAL NO. -----
ISSUED TO -----

(Name of applicant)

Approved for respiratory protection in atmospheres not immediately dangerous to life and containing not more than 0.1 percent by volume of organic vapors (and also approved for protection against the inhalation of -----).

(Applicable type of dispersoid)

The approved assembly consists of BM ----- facepiece, BM ----- cartridge, and BM ----- filter (if Type BE).

(b) Appropriate instructions and caution statements on the use and limitations of the respirator shall be included on the approval label(s).

(c) One label shall be reproduced legibly on the outside of the container of the nonemergency gas respirator. The label for the cartridge shall be reproduced legibly on the outside of the cartridge. If a separate filter is used, a label, similar to that for filters covered by Part 14 of this subchapter, shall be reproduced on the outside of the container of extra filters.

(d) The facepiece shall be marked in a legible and permanent manner with the appropriate approval number. If a separate filter is used, each filter shall be marked with the appropriate approval number and with the type or types of dispersoid covered by the approval.

(e) Full-scale designs or reproductions of approval labels and markings and a sketch or description of their position shall be submitted to the Bureau's Central Experiment Station for approval before final adoption.

(f) Use of the Bureau's approval label obligates the applicant to whom the certificate of approval was granted to maintain the quality of the complete respirator and guarantees that the complete respirator is manufactured and assembled according to the drawings and specifications upon which the certificate of approval was based. Use of the approval label or marking is not authorized except on respirators that conform strictly with the drawings and specifications upon which the certificate of approval was based.

§ 14a.11 Material required for record.

(a) The Bureau reserves the right to retain a complete respirator or any component thereof that has been tested and certified as part of the permanent record of the investigation. Material not required for record will be returned to the applicant upon his request and at his expense on written shipping instructions to the Bureau's Central Experiment Station.

(b) As soon as a certified respirator is commercially available, the applicant shall deliver a complete unit free of charge to the Bureau's Central Experiment Station.

§ 14a.12 Changes after certification.

If an applicant desires to change any feature of a certified nonemergency gas respirator, he shall first obtain the Bureau's approval of the change, pursuant to the following procedures:

(a) Application shall be made as for an original certificate of approval, requesting that the existing certification

be extended to cover the proposed change. The application shall be accompanied by drawings and specifications and related material(s) as in the case of an original application.

(b) The application and accompanying material(s) will be examined by the Bureau to determine whether testing of the modified respirator or component will be required. Testing will be necessary if there is a possibility that the modification may affect adversely the performance of the respirator. The Bureau will inform the applicant in writing whether such testing is required, and the fee.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of new and corrected drawings and specifications to be added to those already on file as the basis for the extension of certification.

§ 14a.13 Withdrawal of certification.

The Bureau reserves the right to rescind for cause, at any time, any certificate of approval granted under this part.

Subpart B—Respirator Requirements

§ 14a.20 Design and construction.

The Bureau will not test or investigate any nonemergency gas respirator that in its opinion is not constructed of suitable materials, that evidences faulty workmanship, or that is not designed on sound scientific principles. Adequacy of design and construction will be determined with reference to the following factors: Kind and durability of materials; durability of construction; practicality of operation for the wearer, such as freedom of movement, field of vision, fit of facepiece, and lack of discomfort; and performance characteristics during the investigation, including physiological effects on the wearer of the respirator. Since all possible designs, arrangements, or combinations of materials and components cannot be foreseen, the Bureau reserves the right to make any tests or to place any limitations on a respirator or part thereof not specifically covered herein to safeguard the wearer of such equipment.

§ 14a.21 Component parts.

All component parts of a respirator shall be designed, constructed, and fitted in such manner that they will not create a hazard to the wearer of the equipment. Cartridges and other parts of necessarily short life or period of use shall be easily replaceable and after replacement the tightness of the whole respirator shall be such as to protect the wearer against leaks of contaminated air.

§ 14a.22 Cartridges and containers; color and markings.

(a) The color and marking of a type B or BE cartridge shall conform with the latest revision of the "American Standard Safety Code for Identification of Gas-Mask Canisters."

(b) Cartridges shall be sealed to protect them against moisture during storage. Mechanical filter units shall be protected by containers such as envelopes, boxes, or bags.

(c) A substantial, durable container shall be provided for each nonemergency gas respirator to protect it when not in use. The respirator and its container shall be marked distinctly with the name of the applicant, and the type, letter, or number by which the respirator is commonly known.

§ 14a.23 Facepiece.

(a) Only the half-mask type facepiece will be accepted for testing. It shall be so constructed as to assure a quick gas-tight fit on persons of various facial shapes and sizes.

(b) The half-mask facepiece shall not interfere with the wearer's use of goggles.

(c) Each facepiece shall be equipped with double head bands, which shall be elastic, adjustable, and replaceable.

(d) Cloth covering shall not be used for the face-contacting portion of the facepiece.

(e) An inhalation check valve(s) shall be provided to prevent exhaled air from coming in contact with the absorbent or the mechanical filter. An exhalation valve(s) also shall be provided, which shall be protected against damage or malfunctioning.

§ 14a.24 Breathing tube.

When a flexible breathing tube is part of the respirator construction, it shall permit free head movement and shall not shut off the breathing of the wearer because of kinking, chin or arm pressure, or otherwise interfere with the wearer.

§ 14a.25 Harness.

When a respirator is equipped with a harness, it shall be so constructed that it will hold the cartridge(s) and filter(s) securely in position against the wearer's body. The harness shall permit convenient replacement of cartridge(s) and filter(s) and shall provide for holding the facepiece in the "ready" position when the facepiece is not in use.

§ 14a.26 Cartridges in parallel.

When two cartridges are used in parallel on a respirator, their resistances to air flow shall be essentially equal.

§ 14a.27 Materials of construction.

(a) All parts of the respirator, especially rubber or plastic, that are in direct contact with portions of the wearer's body shall be of non-irritating composition.

(b) All materials that are used in the construction of facepieces shall withstand repeated disinfection by methods recommended by the applicant and acceptable to the Bureau.

NOTE: The accepted method for disinfection shall be described in the instructions for use of the respirator supplied by the applicant.

Subpart C—Test Requirements

§ 14a.30 Facepiece tests.

(a) The complete nonemergency gas respirator shall be fitted to the faces of 15 to 20 persons having a wide variety of facial shapes and sizes. To test the suitability of the fit of the respirator on these subjects, the exhalation valve shall be held closed, without disturbing the fit of the respirator, and each subject shall

exhale gently into the facepiece until a slight but definite positive pressure is built up in the facepiece. The absence of outward leakage of air between the facepiece and each wearer's face shall indicate satisfactory fit of the facepiece.

(b) Eight of the persons who participated in the test described in paragraph (a) of this section, each wearing the complete nonemergency gas respirator for protection against organic vapors, shall enter an atmosphere containing 0.01 percent by volume (100 p.p.m.) of isoamyl acetate vapor. Ten minutes shall be spent in work designed to provide observation on freedom from leaks, freedom of movement, and freedom from discomfort to the wearers. The time shall be divided as follows:

5 minutes---- Walking, moving head from side to side, nodding, and bending the body at the waist.

5 minutes---- Pumping air with a hand-operated tire pump into a 1-cubic foot cylinder to a pressure of 25 pounds per square inch gage, or equivalent work.

To meet the requirements of this test no isoamyl acetate shall be detected by odor in the air breathed, and undue encumbrance and discomfort shall not be experienced because of the fit or other features of the respirator.

§ 14a.31 Cartridge tests.

(a) *General.* Cartridges shall meet the requirements of the machine tests as set forth below. These tests are made on an apparatus that is constructed to allow the test atmosphere to enter the cartridges continuously at pre-determined concentrations and rates of flow, and that has means for determining the life of the cartridges. When two cartridges are used in parallel on a respirator, the tests will be performed with the cartridges arranged in parallel and the test requirements will apply to the combination rather than to the individual cartridges.

(b) *Low-rate-of-flow and high-rate-of-flow tests.* The test conditions and requirements for these tests are listed in Table 1.

TABLE 1—REQUIREMENTS FOR MACHINE TESTS

[Relative humidity of test atmosphere: 50±5 percent. Temperature: Room temperature (approximately 25° C.). Test atmosphere: Carbon tetrachloride vapor, 0.1 percent by volume (1,000 p.p.m.)]

	Number of cartridges ¹	Rate of air flow, liters per minute	Maximum allowable leakage, p.p.m.	Minimum life, minutes ²
Low-rate-of-flow----	3	32	5	100
High-rate-of-flow----	2	64	5	50
Chemical stability----	4	32	5	45

¹ This number refers to pairs of cartridges if 2 are used in parallel on the respirator.

² The values given for minimum life apply to each cartridge or to each pair of cartridges. Tests shall be continued until the maximum allowable leakage occurs.

(c) *Chemical stability.* The chemical stability of the cartridges under dry and

humid conditions shall be determined as follows:

(1) Two cartridges or two pairs of cartridges shall be treated at room temperature² by passing carbon dioxide-free air of 25 percent relative humidity through them at a rate of 25 liters per minute for 6 hours.

(2) Two cartridges or two pairs of cartridges shall be treated at room temperature by passing carbon dioxide-free air of 85 percent relative humidity through them at a rate of 25 liters per minute for 6 hours.

(3) After this treatment, these cartridges shall be resealed as received, kept in an upright position at room temperature, and tested within 18 hours under the conditions given in Table 1 for chemical stability.

§ 14a.32 Mechanical filter tests.

(a) *Tests for protection against dusts, fumes, and mists, excepting mists of paints, lacquers, and enamels.* Cartridges containing, or having attached to them, filters for protection against dusts, fumes, and mists, excepting mists of paints, lacquers, and enamels, will be tested to determine their ability to protect against the inhalation of organic vapors according to the requirements of § 14a.31 and, in addition, will be tested according to the requirements of Part 14 of this subchapter. However, the maximum allowable inhalation resistance of complete Type BE respirators, at a rate of air flow of 85 liters per minute, shall be 76 millimeters (3 inches) of water rather than 50 millimeters (2 inches) of water allowed for dust, fume, and mist respirators by Part 14 of this subchapter.

(b) *Tests for protection against mists of paints, lacquers, and enamels.* Cartridges containing, or having attached to them, filters for protection against mists of paints, lacquers, and enamels will be tested to determine their ability to protect against the inhalation of organic vapors according to the requirements of § 14a.31 and, in addition, will be tested under the following conditions: Number of respirators to be tested against each mist aerosol—3; temperature—room temperature, approximately 25° C; type of flow—continuous; rate of flow of aerosol to respirator—32 liters per minute; rate of flow of air through test chamber—20 to 25 air changes per minute; atomizer—Spraying Systems Company 1/4J Pneumatic Atomizing Nozzle with Set-up 1A, or equivalent, operating at an air pressure of 10 p.s.i. gage; test aerosol—lead paint mist, lacquer mist, and enamel mist.

(1) *Lead paint mist.* (i) The test aerosol shall be prepared by atomizing a mixture of eight volumes of red lead paint and one volume of mineral spirits. The red lead paint shall conform essentially to Federal Specifications TT-P-86a, Type I, May 4, 1949, and Amendment 1, April 27, 1951, and any later amendments and revisions of this specification. The concentration of lead (Pb) in the

test aerosol shall be 95–125 milligrams per cubic meter.

(ii) The test aerosol shall be drawn to each respirator for a total of 312 minutes (equivalent to drawing 10 cubic meters of the test aerosol to each respirator).

(iii) Under these test conditions, the total amount of unretained mist, analyzed and calculated as lead (Pb), shall not exceed 1.5 milligrams for any one of the three respirators.

(2) *Lacquer mist.* (i) The test aerosol shall be prepared by atomizing a mixture of one volume of clear cellulose nitrate lacquer and one volume of lacquer thinner. The lacquer used shall conform essentially to Federal Specification TT-L-31, October 7, 1953, and any later amendments and revisions of this specification. The concentration of cellulose nitrate in the test aerosol shall be 95–125 milligrams per cubic meter.

(ii) The test aerosol shall be drawn to each respirator for a total of 156 minutes (equivalent to drawing 5 cubic meters of the test aerosol to each respirator).

(iii) Under these test conditions, the total amount of unretained mist, weighed as cellulose nitrate, shall not exceed 5 milligrams for any one of the three respirators.

(3) *Enamel mist.* (i) The test aerosol shall be prepared by atomizing a mixture of one volume of white enamel and one volume of turpentine. The enamel used shall conform essentially to Federal Specification TT-E-489b, May 12, 1953 (an enamel having a phthalic alkyd resin vehicle and a titanium dioxide pigment) and any later amendments and revisions of this specification. The concentration of pigment in the test aerosol, weighed as ash, shall be 95–125 milligrams per cubic meter.

(ii) The test aerosol shall be drawn to each respirator for a total of 312 minutes (equivalent to drawing 10 cubic meters of the test aerosol to each respirator).

(iii) Under these test conditions, the total amount of unretained mist, weighed as ash, shall not exceed 2 milligrams for any one of the three respirators.

§ 14a.33 Tests of complete nonemergency gas respirator.

(a) *Resistance to air flow.* There are no specific requirements for the resistance of the cartridges or mechanical filters to air flow; only the resistance of the complete respirator to air flow will be considered. The maximum allowable resistance of the complete respirator to a continuous flow of air at a rate of 85 liters per minute is as follows:

(1) Respirators for protection against organic vapors only: Inhalation, 50 millimeters (2 inches) of water; exhalation, 25 millimeters (1 inch) of water.

(2) Respirators for protection against (i) organic vapors and dusts, fumes, and mists, or (ii) organic vapors and mists of paints, lacquers, and enamels: Inhalation, 76 millimeters (3 inches) of water; exhalation, 25 millimeters (1 inch) of water.

(b) *Man tests.* (1) Complete non-emergency gas respirators will be worn by two persons in an atmosphere con-

² For uniformity of test conditions, this temperature shall be between 23° and 27° C.

taining 0.5 percent by volume (5,000 p.p.m.) of carbon tetrachloride vapor.*

(2) During this test they will perform the following schedule of exercise:

5 minutes ---- Walking vigorously.
 5 minutes ---- Sitting at rest.
 10 minutes ---- Stationary running and calisthenic arm movements.
 5 minutes ---- Sitting at rest.
 5 minutes ---- Pumping air with a hand-operated tire pump into a 1-cubic-foot cylinder to a pressure of 25 pounds per square inch gage, or equivalent work.
 5 minutes ---- Sitting at rest.

(3) The test will be continued until the odor of carbon tetrachloride is detected by the wearers, repeating the schedule if necessary.

(4) To meet the requirements of this test the respirators shall give complete respiratory protection to the wearers for 30 minutes. Undue discomfort must not be experienced because of fit or other physical or mechanical features of the respirator.

[F.R. Doc. 59-6720; Filed, Aug. 13, 1959; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department.

PART 95—TRANSPORTATION OF MAIL BEYOND BORDERS OF UNITED STATES

Increases in Compensation for Sea Transportation of Surface Mail and Formal Declaration of Service Elements Included in Compensation

The following amendments are made by the Department to § 95.4 *Compensation for transportation of surface mail*:

1. In general the rates are increased by fifteen per cent for the sea transportation of United States mail by American registry vessels.

2. The provisions made obsolete because of the reservation the United States took to the "free transit" provisions of the Convention of the Postal Union of the Americas and Spain (Bogota, 1955) are deleted; and,

3. The amendment expressly sets forth the Department's long-held, consistent, and well-known position that payment on a net weight basis is intended as full compensation for the weight of the covering mail bags, the return of empty equipment, the cartage from post offices to the piers, and for the sea transit.

The regulations relate to a proprietary function of the Government and confer a benefit upon the steamship companies affected. The regulations are, therefore, exempt from the rulemaking re-

* A concentration of 5,000 p.p.m. was chosen to shorten the man-test time to about one-fifth of that required for 1,000 p.p.m. The use of this high concentration under carefully controlled laboratory conditions by experienced personnel does not in any way alter the maximum concentration for which approval will be granted, namely, 0.1 percent (1,000 p.p.m.) of organic vapors.

quirements of section 1003 of Title 5, United States Code. The Department has determined a general voluntary notice of proposed rulemaking is unnecessary and also has found good cause exists to make the amendment effective August 16, 1959.

The amendment is as follows:

I. Section 95.4 *Compensation for transportation of surface mail*, is amended, effective August 16, 1959, to read as follows:

§ 95.4 Compensation for transportation of surface mail.

(a) *Definite rates*: Payment shall be made for the transportation of United States mail and foreign closed transit mail on steamships of United States and foreign registry at the rates specified in the schedule below. The word "mails" includes parcel post.

	(1) Rates for: United States Mails (except U.S. Mails transhipped from the Canal Zone), on steamships of United States registry (cents per pound, net weight)	(2) Rates for: 1. All mails on steamships of foreign regis- try; and 2. United States Mails trans- shipped from Canal Zone and foreign closed transit mails on steamships of United States registry (cents per pound, net weight)
Distance conveyed (nautical miles)		
Up to 300 miles.....	3.6	1.8
Over 300 up to 600 miles.....	3.6	2.5
Over 600 up to 1,000 miles.....	3.6	3.1
Over 1,000 up to 1,500 miles.....	4.1	3.6
Over 1,500 up to 2,000 miles.....	5.4	4.0
Over 2,000 up to 2,500 miles.....	5.4	4.4
Over 2,500 up to 3,000 miles.....	5.4	4.7
Over 3,000 up to 3,500 miles.....	5.8	5.0
Over 3,500 up to 4,000 miles.....	6.1	5.3
Over 4,000 up to 5,000 miles.....	6.4	5.6
Over 5,000 up to 6,000 miles.....	7.0	6.1
Over 6,000 up to 7,000 miles.....	7.5	6.5
Over 7,000 up to 8,000 miles.....	7.8	6.8
Over 8,000 miles.....	8.0	7.1

(b) Mails dispatched from more than one port in the United States: When mail is dispatched from more than one port in the United States this section shall not prevent a carrier from accepting the lowest rate applicable from the United States to port of destination.

(c) The rates prescribed in paragraph (a) of this section, while measured by the net weight of the mails alone, are intended to include payment for the transportation, at the companies' expense and without additional payment by the Post Office Department, of the covering mail bags, the return of the empty mail bags, and the truck transportation from the post offices to the piers. Acceptance by steamship companies of mails for transportation constitutes an acceptance of this method of computing payment.

(R.S. 161, as amended, 396, as amended, 4009, as amended, sec. 1, 62 Stat. 777, 784, as

amended; 5 U.S.C. 22, 369, 18 U.S.C. 1698, 1724, 39 U.S.C. 654)

HERBERT B. WARBURTON,
General Counsel.

The foregoing regulations, as amended, are adopted as the regulations of the Department.

ARTHUR E. SUMMERFIELD,
Postmaster General.

[F.R. Doc. 59-6806; Filed, Aug. 13, 1959; 11:13 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 6—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Basis and purpose. Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means, such birds or any part, nest or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported. By notice of proposed rule making published on April 29, 1959 (24 F.R. 3326), the public was invited to submit views, data, or arguments, in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., on or before June 1, 1959, and thus participate in the preparation of amendments to Part 6, Title 50, Code of Federal Regulations, to be proposed for the purpose, among others, of specifying open seasons, certain closed seasons, means of hunting, shooting hours, and bag limits for migratory game birds.

Subsequently, after due consideration of data obtained through investigations conducted by personnel of the Fish and Wildlife Service, State game departments, and from other sources, the several State game departments were informed concerning the season lengths and daily bag and possession limits proposed to be prescribed for the 1959-60 seasons on rails, gallinules, woodcock, mourning and white-winged doves, and band-tailed pigeons. The State game departments were also invited to submit recommendations for hunting seasons in the respective States on applicable members of these species; such hunting seasons to conform to the season lengths, and to fall within a framework of opening and closing dates, as established by this Department.

Accordingly, each State game department has had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open

seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it has been determined that §§ 6.41, 6.46, and 6.51 should be amended as indicated below and that a new § 6.52 shall be added.

1. Section 6.41 is amended to read as follows:

§ 6.41 Seasons and limits on doves and wild pigeons.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), and the daily bag and possession limits on the species of doves and wild pigeons designated in this section are prescribed between the dates of September 1, 1959, and January 15, 1960, as follows:

(a) Mourning doves.

Daily bag limit.....	10
Daily possession limit.....	20
Seasons in:	
Alabama ¹	Oct. 1-Oct. 31. (Nov. 29-Jan. 1.)
Arizona ²	Sept. 1-Sept. 27 (Dec. 12-Jan. 3.)
Arkansas ¹	Sept. 1-Oct. 5. (Dec. 17-Jan. 15.)
California ¹	Sept. 1-Sept. 30.
Colorado.....	Sept. 1-Oct. 20.
Connecticut.....	Closed season.
Delaware ¹	Sept. 18-Oct. 22. (Nov. 20-Dec. 19.)
District of Columbia.....	Closed season.
Florida ¹	See footnote 3.
Georgia ¹	Sept. 16-Oct. 5. (Dec. 2-Jan. 15.)
Idaho.....	Sept. 1-Sept. 15.
Illinois ¹	Sept. 1-Nov. 4.
Indiana.....	Closed season.
Iowa.....	Do.
Kansas.....	Sept. 1-Oct. 20.
Kentucky ¹	Sept. 1-Nov. 4. (Sept. 5-Oct. 20.)
Louisiana ¹	Nov. 26-Jan. 13. (Closed season.)
Maine.....	Closed season.
Maryland ¹	Sept. 16-Oct. 30. (Dec. 17-Jan. 5.)
Massachusetts.....	Closed season.
Michigan.....	Do.
Minnesota.....	Do.
Mississippi ¹	Sept. 9-Sept. 28. (Dec. 2-Jan. 15.)
Missouri.....	Sept. 1-Oct. 10. (Nov. 10-Nov. 19.)
Montana.....	Closed season.
Nebraska.....	Do.
Nevada.....	Sept. 1-Oct. 20.
New Hampshire.....	Closed season.
New Jersey.....	Do.
New Mexico ²	Sept. 1-Oct. 20. (Closed season.)
New York.....	Closed season.
North Carolina ¹	Sept. 12-Oct. 10. (Dec. 11-Jan. 15.)
North Dakota.....	Closed season.
Ohio.....	Do.
Oklahoma.....	Sept. 1-Oct. 20.
Oregon.....	Sept. 1-Sept. 27.
Pennsylvania ¹	Sept. 1-Nov. 4.
Rhode Island ¹	Nov. 1-Dec. 31.
South Carolina ¹	Sept. 14-Oct. 10. (Sept. 3-Jan. 9.)
South Dakota.....	Closed season.
Tennessee ¹	(Sept. 1-Oct. 21.) (Dec. 19-Jan. 1.)

¹ Shooting hours in States indicated, 12 o'clock noon until sunset except on Sept. 11, 13, and 15; in Texas the shooting hours are from 2:00 p.m. until sunset.

² In Alabama and Arizona the daily bag and possession limit is 10 mourning doves. In California, the daily bag and possession limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds. In New Mexico, the daily bag limit on mourning and white-winged doves is 10 singly or in the aggregate of both kinds, and the possession limit is 20 of which not more than 10 may be white-winged doves.

³ Florida. Mourning doves in Hardee, De Soto, Highlands, Glades, Charlotte, Lee, Hendry, Collier, Okechobee, Brevard, Volusia, St. Johns, Flagler, and that portion of Putnam county east of the St. John's River—November 23 to January 6; in the rest of the State October 10-November 1 and November 26-January 6.

Seasons in:

Texas ¹	See footnote 4.
Utah.....	Sept. 1-Sept. 27.
Vermont.....	Closed season.
Virginia ¹	Sept. 15-Nov. 13.
Washington.....	Sept. 1-Sept. 30.
West Virginia ¹	Oct. 3-Dec. 5.
Wisconsin.....	Closed season.
Wyoming.....	Do.

⁴ Texas. Mourning doves in Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof, Sept. 1-Oct. 20; in the rest of the State (but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy Counties), Oct. 1-Nov. 19; in these latter counties Sept. 11, 13, and 15 and from Oct. 1-Nov. 16.

(b) White-winged doves.

Daily bag and possession limit..... (9)

Seasons in:	
Arizona.....	Sept. 1-Sept. 27. (Dec. 12-Jan. 3.)
California, Counties of:	
Imperial.....	Sept. 1-Sept. 30.
Riverside.....	Do.
San Bernardino.....	Do.
Remainder of State.....	Closed season.
New Mexico.....	Sept. 1-Oct. 20.
Texas ¹	
Counties of:	
Brewster.....	
Brooks.....	
Cameron.....	
Culberson.....	
Dimmit.....	
El Paso.....	
Hidalgo.....	
Hudspeth.....	
Jeff Davis.....	
Jim Hogg.....	
Kenedy.....	
Kinney.....	
La Salle.....	
Maverick.....	
Presidio.....	
Starr.....	
Terrell.....	
Val Verde.....	
Webb.....	
Willacy.....	
Zapata.....	
Remainder of State.....	Closed season.

¹ In Arizona the daily bag and possession limit is 25 white-winged doves. In California, the daily bag and possession limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds. In New Mexico, the daily bag limit on mourning and white-winged doves is 10 singly or in the aggregate of both kinds, and the possession limit is 20 singly or in the aggregate of both kinds. In Texas the daily bag limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds, and the possession limit is 20 of which not more than 10 may be white-winged doves.

(c) Band-tailed pigeons.

Daily bag and possession limit..... 6

Seasons in:	
California:	
Counties of:	
Del Norte.....	
Humboldt.....	
Lassen.....	
Mendocino.....	
Modoc.....	
Shasta.....	
Siskiyou.....	
Tehama.....	
Trinity.....	
Remainder of State.....	Dec. 11-Jan. 10.
Oregon.....	Sept. 1-Sept. 27.
Washington.....	Sept. 1-Sept. 30.

2. Section 6.46 is amended to read as follows:

§ 6.46 Seasons and limits on rails, gallinules, and woodcock.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1959, and January 15, 1960, as follows:

(a) Atlantic Flyway States.

	Rails and gallinules (except coots) (singly or in the aggregate)	Woodcock
Daily bag limits.....	15	4
Possession limits.....	30	8
Seasons in:		
Connecticut.....	Sept. 1-Oct. 20..	Oct. 24-Nov. 28.
Delaware.....	Sept. 1-Nov. 9..	Nov. 20-Dec. 29.
District of Columbia.....	Closed season.	Closed season.
Florida.....	Sept. 5-Nov. 8..	Dec. 12-Jan. 10.
Georgia.....	Sept. 4-Nov. 12..	Dec. 7-Jan. 15.
Maine.....	Sept. 21-Nov. 23.	Oct. 1-Nov. 9.
Maryland.....	Sept. 1-Oct. 20..	Nov. 15-Dec. 24.
Massachusetts.....	Oct. 20-Dec. 28..	Oct. 20-Nov. 28.
New Hampshire.....	Sept. 1-Nov. 9..	Oct. 1-Nov. 9.
New Jersey.....	Sept. 1-Nov. 7..	Oct. 17-Nov. 25.
New York ¹		
Counties of:		
Nassau.....	Sept. 1-Nov. 9..	Nov. 1-Nov. 13.
Suffolk.....	Do.	Do.
Remainder of State.....	Do.	Oct. 5-Nov. 13.
North Carolina.....	Sept. 5-Nov. 13..	Nov. 26-Jan. 4.
Pennsylvania.....	Sept. 1-Nov. 9..	Oct. 15-Nov. 23.
Rhode Island.....	Oct. 1-Dec. 9..	Nov. 1-Dec. 10.
South Carolina.....	Do.	Dec. 7-Jan. 15.
Vermont.....	Sept. 1-Nov. 9..	Oct. 1-Nov. 9.
Virginia.....	Sept. 12-Oct. 31.	Nov. 16-Dec. 25.
West Virginia.....	Oct. 3-Dec. 11..	Oct. 3-Nov. 11.

¹ New York: The shooting hours during which woodcock may be taken shall be 9 a.m. to 5 p.m. on the first day of the respective seasons and from 7 a.m. to 5 p.m. on each day thereafter.

(b) Mississippi Flyway States.

	Rails and gallinules (except coots) (singly or in the aggregate)	Woodcock
Daily bag limits.....	15	4
Possession limits.....	15	8
Seasons in:		
Alabama.....	See footnote 1.	Dec. 7-Jan. 15.
Arkansas.....	Nov. 2-Dec. 21..	Dec. 1-Jan. 9.
Illinois.....	Closed season.	Nov. 15-Dec. 24.
Indiana.....	Sept. 1-Oct. 20..	Oct. 26-Dec. 4.
Iowa.....	Closed season.	Closed season.
Kentucky.....	Nov. 20-Jan. 8..	Nov. 20-Dec. 29.
Louisiana.....	Oct. 3-Nov. 21..	Dec. 7-Jan. 15.
Michigan ²		
Zone 1 and 2.....	See footnote 1.	Oct. 1-Nov. 9.
Zone 3.....	Do.	Oct. 20-Nov. 9.
Minnesota.....	Sept. 1-Oct. 20..	Oct. 1-Nov. 9.
Mississippi.....	Oct. 1-Nov. 19..	Dec. 7-Jan. 15.
Missouri.....	Sept. 1-Oct. 20..	Nov. 10-Dec. 19.
Ohio.....	Do.	Oct. 1-Nov. 9.
Tennessee.....	Nov. 22-Jan. 10.	Nov. 26-Jan. 4.
Wisconsin.....	See footnote 1.	Oct. 1-Nov. 9.

¹ The seasons for hunting rails and gallinules in Alabama, Michigan, and Wisconsin will be prescribed at a later date.

² Michigan: Zones for hunting woodcock are as defined by State law, order, or regulations of the Michigan Department of Conservation.

(c) Central Flyway States.

	Rails and gallinules (except coots) (singly or in the aggregate)	Woodcock
Daily bag limits.....	15	4
Possession limits.....	15	8
Seasons in:		
Colorado.....	Sept. 1-Oct. 20..	Closed season.
Kansas.....	Do.	Do.
Montana.....	Closed season.	Do.
Nebraska.....	Oct. 3-Nov. 21..	Do.
New Mexico.....	Nov. 22-Jan. 10.	Do.
North Dakota.....	Closed season.	Do.
Oklahoma.....	Oct. 1-Nov. 19..	Nov. 23-Jan. 1.
South Dakota.....	Closed season.	Closed season.
Texas.....	Sept. 1-Oct. 20..	Dec. 7-Jan. 15.
Wyoming.....	Closed season.	Closed season.

3. The introductory text and paragraph (a) of § 6.51 are amended to read as follows:

§ 6.51 *Seasons and limits on waterfowl, coots, and Wilson's snipe.* Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open

seasons (dates inclusive), and the daily bag and possession limits on the species of waterfowl and on coots and Wilson's snipe as designated in this section are prescribed between the dates of September 1, 1959, and January 15, 1960, as follows:

(a) *Alaska.*

	Ducks ¹	Geese ²	Coots	Brant	Wilson's snipe
Daily bag limits.....	7	5	15	2	8
Possession limits.....	14	10	15	2	8
Seasons throughout Alaska.....	Sept. 1-Dec. 3.....				Sept. 1-Oct. 15.

¹ *Ducks.* In Wildlife Management Units 8, 9, 10, and 16 through 26, as described in 50 CFR 46.2, the daily bag limit for old-squaw, harlequin, scoter, and elder ducks and American and red-breasted merganser ducks is 10 singly or in the aggregate, and the possession limit is 20 singly or in the aggregate of all kinds of such ducks. These limits may be taken and possessed in addition to the limits prescribed in the above table for other ducks. In Units 1 to 7 and 11 to 15, both inclusive, the bag limits on American and red-breasted merganser ducks are 5 daily and 10 in possession, singly or in the aggregate of both kinds, which limits may be in addition to the limits prescribed in the above table for other ducks.

² *Geese.* The daily bag limit may not include more than 3 geese of the dark species and the possession limit may not include more than 6 geese of the dark species.

4. Paragraphs (b), (c), (d), (e), and (f) of § 6.51 are deleted.

5. Section 6.52 is added to read as follows:

§ 6.52 *Migratory game bird hunting seasons for Puerto Rico.*

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the daily bag and possession limits on the species designated in this section, are prescribed between the dates of October 1, 1959, and February 12, 1960, as follows:

	Mourning Doves	Rails and gallinules (except coots) (singly or in the aggregate)
Daily bag limit.....		15
Possession limit.....		30
Seasons.....	Closed season.....	Dec. 15-Feb. 12

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704. Interprets or applies E.O. 10250, 16 F.R. 5385, 3 CFR, 1951 Supp.)

The taking of migratory game birds is presently prohibited. The foregoing amendments will serve to permit the the taking of designated species of such birds within specified periods of time beginning as early as September 1,

as has been the case in prescribing hunting seasons in past years. The hunting public has over the years become accustomed to a September 1 opening date in many areas on certain species of migratory game birds and many hunters make hunting reservations well in advance of such date. Because of this fact and since these amendments will not be published at a date early enough to allow the usual 30-day period of publication afforded by the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), if hunting is to be permitted on September 1 and the public to be properly informed in advance, it is clearly impracticable to authorize such period of publication. Accordingly, since it is not in the public interest to afford the usual period of publication and since these amendments serve to relieve existing restrictions, the provisions of the exceptions provided in section 4(c) of the Administrative Procedure Act of June 11, 1946, are hereby invoked and the amendments shall become effective upon publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 11, 1959.

[F.R. Doc. 59-6718; Filed, Aug. 13, 1959; 8:45 a.m.]

Harry Schrader Consignment Sale, Dakota, Ill.
Jennings Sales Co., Macomb, Ill.
Kankakee Livestock Sales Co., Bourbonnais, Ill.
Knoxville Community Sale Co., Inc., Knoxville, Ill.
LaSalle County Livestock Marketing Center, Ottawa, Ill.
Milford Sales & Commission Co., Milford, Ill.
Pearl City Sale Barn, Pearl City, Ill.
Pecatonica Livestock Exchange, Pecatonica, Ill.
Pontiac Livestock Sales, Pontiac, Ill.
Princeton Sale Barn, Princeton, Ill.
Roe's Consignment Sale, Chana, Ill.
Savanna Livestock Sales, Savanna, Ill.
Vade Wehmeyer's Mendota Livestock Auction, Mendota, Ill.
Walnut Sales Co., Walnut, Ill.
West Kankakee Livestock Sales, Kankakee, Ill.
Winslow Sale Barn, Winslow, Ill.
Woodford County Livestock Sales, Inc., El Paso, Ill.
Woodstock Commission Sales, Woodstock, Ill.
Hugoton Livestock Commission Co., Hugoton, Kans.
Vernon County Sales Co., Nevada, Mo.
Maxson Sales Co., Inc., South Coffeyville, Okla.
McMinnville Auction Yard, McMinnville, Oreg.
Northwestern Livestock Commission Co., Hermiston, Oreg.
Vale Livestock Commission Co., Vale, Oreg.
Chehalis Livestock Market, Chehalis, Wash.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of August 1959.

D. L. BOWMAN,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-6729; Filed, Aug. 13, 1959; 8:46 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service CHERRY AUCTION ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Cherry Auction, Fresno, Calif.
Humboldt Livestock Auction, Inc., Fortuna, Calif.
L & M Sales Yard, Fresno, Calif.
Lancaster Sales Yard, Lancaster, Calif.
Los Banos Livestock Commission Co., Los Banos, Calif.
MacIn-Caldwell Auction Co., Ontario, Calif.
Williams Auction Yard, Williams, Calif.
Yuba City Auction Yard, Yuba City, Calif.
Zinn Bros. Livestock Commission Co., El Centro, Calif.
Arnold Livestock Co., Gibson City, Ill.
Bristol Livestock Sale, Bristol Station, Ill.
Brookville Consignment Sale, Brookville, Ill.
Colchester Sales Association, Colchester, Ill.
DeWane's Livestock Exchange, Belvidere, Ill.
Forrest Livestock Sales, Forrest, Ill.
Freller's Livestock Sales, Cissna Park, Ill.

Office of the Secretary OHIO

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in Ohio, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

OHIO
Hancock. Sandusky.
Hardin. Seneca.
Huron. Wyandot.
Logan.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of August 1959.

E. L. PETERSON,
Acting Secretary.

[F.R. Doc. 59-6754; Filed, Aug. 13, 1959;
8:50 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

FARRELL SHIPPING CO., INC. AND
F. J. HERBELIN-BAY TRANSFER CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8397, between Farrell Shipping Co., Inc., New Orleans, La., and F. J. Herbelin-Bay Transfer Co., Houston, Tex., is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 11, 1959.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59-6746; Filed, Aug. 13, 1959;
8:49 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1959, Rev. Supp. 2]

UNITED PUBLIC INSURANCE CO.

Surety Company Acceptable on
Federal Bonds

AUGUST 11, 1959.

A Certificate of Authority has been issued by the Secretary of the Treasury

to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., sec. 6-13, as an acceptable surety on Federal bonds. As underwriting limitation of \$106,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1960. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company, and Location of Principal Executive Office

Indiana, United Public Insurance Co., Indianapolis, Ind.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 59-6750; Filed, Aug. 13, 1959;
8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order No. 551, Amdt. 54]

REDELEGATION OF AUTHORITY

Section 364 of Order 551, as amended, is further amended to read as follows:

SECTION 364. Authority under Act of August 27, 1954 (68 Stat. 868). The taking of action with respect to those matters contained in the following sections of said act: Sec. 9, sec. 12, sec. 13 (5), sec. 16 (Except the execution of patents), sec. 22, sec. 26 (Except the execution of patents).

GLENN L. EMMONS,
Commissioner.

AUGUST 10, 1959.

[F.R. Doc. 59-6719; Filed, Aug. 13, 1959;
8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-133]

PACIFIC GAS & ELECTRIC CO.

Notice of Receipt of Amendment to Application for Construction Permit and Utilization Facility License

Please take notice that Pacific Gas & Electric Company, 245 Market Street, San Francisco, California, has submitted an amendment to change its application for a license under section 103 of the Atomic Energy Act of 1954 authorizing construction and operation of a 50 megawatt (electrical) nuclear reactor at the Company's Humboldt Bay Power Plant located near Eureka, California, to an application for a license under section 104.b. of the Act. A copy of the amended application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 6th day of August 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F.R. Doc. 59-6716; Filed, Aug. 13, 1959;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12988; FCC 59M-1021]

HARRY EUGENE ALTLAND

Order Scheduling Hearing

In the matter of Harry Eugene Altland, York, Pennsylvania, Docket No. 12988; order to show cause why the license for Citizens Radio Station 3A0896 should not be revoked.

It is ordered, This 10th day of August 1959, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 1, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6736; Filed, Aug. 13, 1959;
8:48 a.m.]

[Docket No. 13148; FCC 59M-1024]

BLOOM RADIO (WHLM)

Order Scheduling Hearing

In re application of Harry L. Magee, tr/as Bloom Radio (WHLM), Bloomsburg, Pennsylvania, Docket No. 13148, File No. BP-12002; for construction permit.

It is ordered, This 10th day of August 1959, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 9, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6737; Filed, Aug. 13, 1959;
8:48 a.m.]

[Docket Nos. 12997-12999; FCC 59M-1018]
GARDEN CITY BROADCASTING CO.
(WAUG) ET AL.

Order Scheduling Hearing

In re applications of Chester H. Jones and George C. Nicholson d/b as Garden

City Broadcasting Company (WAUG), Augusta, Georgia, Docket No. 12997, File No. BP-11590; Ben Akerman and Thomas H. Maxwell d/b as Radio Albany, Albany, Georgia, Docket No. 12998, File No. BP-12249; William E. Blizzard, Jr., and Lewis H. McKenzie, d/b as Macon County Broadcasting Company, Montezuma, Georgia, Docket No. 12999, File No. BP-12522; for construction permits.

It is ordered, This 10th day of August 1959, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 29, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6738; Filed, Aug. 13, 1959;
8:48 a.m.]

[Docket Nos. 13072-13075; FCC 59-826]

JEFFERSON STANDARD BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Jefferson Standard Broadcasting Company, Greensboro, North Carolina, Docket No. 13072, File No. BPCT-2549; High Point Television Company, High Point, North Carolina, Docket No. 13073, File No. BPCT-2560; Southern Broadcasters, Inc., High Point, North Carolina, Docket No. 13074, File No. BPCT-2579; Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price, d/b as TriCities Broadcasting Company, Greensboro, North Carolina, Docket No. 13075, File No. BPCT-2605; for construction permits for television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 8, assigned to Greensboro-High Point-Winston-Salem, North Carolina; Jefferson Standard Broadcasting Company and Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price, d/b as TriCities Broadcasting Company specifying Greensboro as station locations and High Point Television Company and Southern Broadcasters, Inc. specifying High Point as station locations; and

It appearing, that the applications of Jefferson Standard Broadcasting Company, High Point Television Company, Southern Broadcasters, Inc., and Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Robert C. Price, d/b as TriCities Broadcasting Company are mutually exclusive in that operation by all four applicants as pro-

posed would result in mutually destructive interference; and

It further appearing, that Ralph C. Price, a partner in TriCities Broadcasting Company, and members of his immediate family hold the largest single block of voting stock (approximately 14 percent) in Jefferson Standard Life Insurance Company, which in turn holds 100 percent of the outstanding voting stock of Jefferson Standard Broadcasting Company; and

It further appearing, that Jefferson Life Insurance Company owns a 17 percent interest in Greensboro News Company, licensee of Television Broadcast Station WFMY-TV, Channel 2, Greensboro and has undertaken to dispose of such interest in the event of a grant of its application; and

It further appearing, that Southern Broadcasters, Inc., Winston-Salem Broadcasting Company, Inc., permittee of Television Station WTOB-TV, Channel 26, Winston-Salem, North Carolina, and Sir Walter Television Company, permittee of Television Station WNAO-TV, Channel 28, Raleigh, North Carolina, are corporations under common control within the meaning of § 3.636 of the Commission's rules, and that Southern Broadcasters has undertaken to dispose of its interest in the latter companies in the event of a grant of its application; and

It further appearing, that Jefferson Standard Broadcasting Company has requested a waiver of § 3.613(a) of the rules to locate its main studios outside of Greensboro, and has shown good cause for the requested waiver; and

It further appearing, that pursuant to section 309(b) of the Communications Act of 1934, as amended, Jefferson Standard Broadcasting Company, High Point Television Company, Southern Broadcasters, Inc., and Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price, d/b as TriCities Broadcasting Company, were advised by letters that their applications were mutually exclusive, of a necessity for a hearing and were advised of all objections to their applications and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary; that Jefferson Standard Broadcasting Company and Southern Broadcasters, Inc. are legally, financially, technically qualified to construct, own and operate the proposed television broadcast station; that Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price d/b as TriCities Broadcasting Company is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issue "4" below; and that High Point Television Company is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station.

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications of Jefferson Standard Broadcasting Company, High Point Television Company, Southern Broadcasters, Inc., and Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price d/b as TriCities Broadcasting Company are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the stock holdings of Ralph C. Price, a partner in TriCities Broadcasting Company, and members of his immediate family in Jefferson Standard Life Insurance Company, the sole owner of Jefferson Standard Broadcasting Co., are, in view of the wide public holding of stock in Jefferson Standard Life Insurance Company, sufficient to give Ralph C. Price and his family actual working control of Jefferson Standard Life Insurance Company, and, if so, whether Jefferson Standard Broadcasting Company and TriCities Broadcasting Company, are "the same applicant," within the meaning of § 1.308 and/or § 1.310 of the rules and, therefore, whether the latter application should be dismissed pursuant to the provisions of such sections.

2. To determine whether interests of Ralph C. Price and his immediate family in Jefferson Standard Life Insurance Company, sole owner of Jefferson Standard Broadcasting Company, are such as to give them a sufficient financial interest, irrespective of control, in the application of Jefferson Standard Broadcasting Company (BPCT-2549) to justify dismissal of the application of TriCities Broadcasting Company as an inconsistent or conflicting application in view of the policy implicit in the provisions of § 1.308 and/or § 1.310 of the rules.

3. To determine whether a grant of TriCities Broadcasting Company's application would be consistent with the provisions of § 3.636(a) (1) of the Commission's rules, since its proposed station would serve substantially the same area as Television Station WFMY-TV, Channel 2, Greensboro, North Carolina.

4. To determine whether the antenna system and site proposed by TriCities Broadcasting Company would constitute a hazard to air navigation.

5. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience, and necessity in light of the significant differences among the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the above-captioned applications.

6. To determine, in the light of the evidence adduced pursuant to the fore-

going issues, which of the applications should be granted.

It is further ordered, That, in the event of a grant of the application of Jefferson Standard Broadcasting Company, the construction permit shall contain a condition that operating authority will not be issued until the permittee has shown that it has divested all interest in, and severed all connection with, TV Broadcast Station WFMY-TV, Channel 2, Greensboro.

It is further ordered, That, in the event of a grant of the application of Southern Broadcasters, Inc., the construction permit shall contain a condition that operating authority will not be issued until the permittee and its stockholders have shown that they have divested all interest in, and severed all connection with Television Broadcast Stations WTOB-TV, Channel 26, Raleigh, North Carolina, and WNAO-TV, Channel 28, Raleigh, North Carolina.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard Jefferson Standard Broadcasting Company, High Point Television Company, Southern Broadcasters, Inc., and Hargrove Bowles, Jr., James G. M. MacLamroch, Robert Hamilton Nutt and Ralph C. Price, d/b as TriCities Broadcasting Company, pursuant to § 1.140 (c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the order.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6739; Filed, Aug. 13, 1959;
8:48 a.m.]

[Docket No. 13085; FCC 59-859]

NATIONAL BROADCASTING CO., INC.

Order Designating Application for Oral Argument

In re applications of National Broadcasting Company, Inc., Philadelphia, Pennsylvania, Docket No. 13085, File Nos. BR-562, BRCT-4, BRTP-22, BRTP-133, BRTP-204, BRTS-21; for renewal of licenses of Stations WRCV, WRCV-TV, KA-4465, KA-7914, KC-8393 and KGC-93.

¹ Statement of Commissioner Bartley filed as part of original document.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 31st day of July, 1959;

The Commission having before it for consideration (a) a "Protest" filed on August 14, 1957, by Philco Corporation (Philco), Philadelphia, Pennsylvania, pursuant to section 309(c) of the Communications Act of 1934, as amended, directed against the Commission's action of July 18, 1957, granting without hearing the above-entitled application;¹ (b) the "Opposition" to said protest filed on August 26, 1957 by the National Broadcasting Company, Inc. (NBC); (c) the "Brief in Reply" filed by Philco on September 4, 1957; (d) the "Answer to Brief" filed by NBC on September 9, 1957; (e) the Commission's Memorandum Opinion and Order adopted September 11, 1957 (FCC 57-994) dismissing said protest on the grounds that the protestant had not shown itself to be a "party in interest" and had not shown that the Commission's action of July 18, 1957 was improperly made or was otherwise not in the public interest;² (f) the decision in the case of Philco Corporation v. Federal Communications Commission, No. 14166, issued on June 19, 1958, by the United States Court of Appeals for the District of Columbia Circuit reversing the Commission's action of September 11, 1957 dismissing the above protest and remanding the case to the Commission; (g) the action of the Supreme Court of the United States on January 26, 1959, in the case of National Broadcasting Company v. Philco Corporation, No. 371, denying the petition of NBC for a writ of certiorari; (h) the "Motion to Expedite" filed by Philco on May 29, 1959, requesting "that the issue raised in Philco's protest be set promptly for hearing"; and (i) the "Reply To Motion To Expedite" filed by NBC on June 8, 1959, requesting that the Commission either dismiss said protest or set it for oral argument; and

It appearing, that the factual allegations involved in the instant protest and the arguments of the parties are set out in full in the Commission's Memorandum Opinion and Order of September 11, 1957; that to avoid repetition, they are incorporated herein by reference as if fully set forth at length; and

It further appearing, that in its decision, the Court of Appeals stated that "As already indicated, we do not pass upon the sufficiency of the protest, which must first be considered by the Commission"; and

It further appearing, that our grant herein of July 18, 1957 provided that said "action is without prejudice to whatever action the Commission may deem appropriate at such time as presently pending anti-trust actions involving Radio Corporation of America and the National

¹ This grant contained the following condition: "This action is without prejudice to whatever action the Commission may deem appropriate at such time as presently pending anti-trust actions involving Radio Corporation of America and the National Broadcasting Company, Inc., may be terminated."

² 15 Pike and Fischer RR 965; FCC 57-994, Mimeo No. 49068.

Broadcasting Company, Inc., may be terminated";

It is ordered, That pursuant to section 309(c) of the Communications Act of 1934, as amended, the above-entitled applications are designated for oral argument at the offices of the Commission in Washington, D.C., on the questions whether, if the facts alleged in the protest were proven, grounds have been presented for setting aside the conditional grant of said application; and if an evidentiary hearing is required, the scope thereof;

It is further ordered, That the protestant is hereby made a party to the proceedings herein and that:

(a) The oral argument shall commence at 10 a.m. on the 1st day of October, 1959, and shall be held before the Commission en banc;

(b) The parties intending to participate in said oral argument shall file their appearance not later than August 17th, 1959;

(c) The parties have until the date of the oral argument to file and exchange briefs and memoranda of law.

Adopted: July 31, 1959.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6740; Filed, Aug. 13, 1959;
8:48 a.m.]

[Docket Nos. 13006-13009; FCC 59M-1019]

NEWHALL BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Manuel Martinez, tr/as Newhall Broadcasting Company, Newhall, California, Docket No. 13006, File No. BPH-2550; American Broadcasting-Paramount Theatres, Inc. (KABC-FM), Los Angeles, California, Docket No. 13007, File No. BPH-2628; Tri-Counties Public Service, Inc. (KUDU-FM), Ventura-Oxnard, California, Docket No. 13008, File No. BMPH-5438; William E. Clark (KDOG), La Habra, California, Docket No. 13009, File No. BMPH-5502; for construction permits (FM).

It is ordered, This 10th day of August 1959, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 30, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6741; Filed, Aug. 13, 1959;
8:48 a.m.]

[Docket Nos. 12993-12996; FCC 59M-1023]

S & W ENTERPRISES, INC., ET AL.

Order Scheduling Hearing

In re applications of S & W Enterprises, Inc., Woodbridge, Virginia, Docket

No. 12993, File No. BP-11438; Interurban Broadcasting Corporation, Laurel, Maryland, Docket No. 12994, File No. BP-12058; Rollins Broadcasting of Delaware, Inc. (WJWL), Georgetown, Delaware, Docket No. 12995, File No. BP-12229; Milton Grant and James R. Bonfils, d/b as Laurel Broadcasting Company, Laurel, Maryland, Docket No. 12996, File No. BP-12841; for construction permits.

It is ordered, This 10th day of August 1959, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 22, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6742; Filed, Aug. 13, 1959;
8:48 a.m.]

[Docket Nos. 13004, 13005; FCC 59M-1022]

SOUTHEAST MISSISSIPPI BROADCASTING CO. (WSJC) AND JEFF DAVIS BROADCASTING SERVICE

Order Scheduling Hearing

In re applications of Marvin L. Mathis, Robin H. Mathis, Ralph C. Mathis, Rad W. Mathis, and John B. Skelton, Jr., d/b as Southeast Mississippi Broadcasting Company (WSJC), Magee, Mississippi, Docket No. 13044, File No. BP-11869; Jesse R. Williams, tr/as Jeff Davis Broadcasting Service, Prentiss, Mississippi, Docket No. 13005, File No. BP-12753; for construction permits.

It is ordered, This 10th day of August 1959, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 29, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6743; Filed, Aug. 13, 1959;
8:48 a.m.]

[Docket Nos. 12991, 12992; FCC 59M-1020]

SUBURBAN BROADCASTING CO., INC., AND CAMDEN BROADCASTING CO.

Order Scheduling Hearing

In re applications of Suburban Broadcasting Company, Inc., Mount Kisco, New York; Docket No. 12991, File No. BPH-2620; Donald Jerome Lewis, tr/as Camden Broadcasting Co., Newark, New Jersey; Docket No. 12992, File No. BPH-2624; for construction permits for new FM broadcast stations.

It is ordered, This 10th day of August 1959, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to

commence on October 26, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6744; Filed, Aug. 13, 1959;
8:48 a.m.]

[Docket Nos. 13000-13003; FCC 59M-1017]

WJIV, INC., ET AL.

Order Scheduling Hearing

In re applications of WJIV, INC. (WJIV), Savannah, Georgia, Docket No. 13000, File No. BP-11364; Louis M. Neale, Jr., North Charleston, South Carolina, Docket No. 13001, File No. BP-11886; Word, Inc. (WORD), Spartanburg, South Carolina, Docket No. 13002, File No. BP-12537; Richard F. Kamradt and Robert S. Tambllyn d/b as KTM Broadcasting Company, North Charleston, South Carolina, Docket No. 13003, File No. BP-12579; for construction permits.

It is ordered, This 10th day of August 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 26, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6745; Filed, Aug. 13, 1959;
8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9999 et al.]

FRONTIER AIRLINES, INC.; RENEWAL OF TEMPORARY INTERMEDIATE POINTS

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on September 16, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 11, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-6748; Filed, Aug. 13, 1959;
8:49 a.m.]

[Docket No. 10697]

TRANS-CANADA AIR LINES

Notice of Prehearing Conference

In the matter of the application of Trans-Canada Air Lines for amendment

of its foreign air carrier permit to include New York, New York as a co-terminal point on its route between the terminal point Halifax, Nova Scotia, Canada, the intermediate points Saint John, New Brunswick, Canada, Yarmouth, Nova Scotia, Canada, and the terminal point Boston, Mass.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a prehearing conference in the above-entitled matter is assigned to be held on September 23, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., August 11, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-6749; Filed, Aug. 13, 1959;
8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

CHROMITE HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 2,050 long tons of low grade chromite now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling this chromite. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that such chromite is obsolescent for use in time of war.

General Services Administration proposes to offer said chromite for sale on a competitive basis. Since the quantity to be disposed of is small in relation to the current consumption of chromite, the entire tonnage will be offered for sale at one time.

This plan of disposition has been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

It is proposed to make the chromite covered by this notice available for sale beginning six months after date of publication of this notice in the FEDERAL REGISTER.

Dated: August 6, 1959.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 59-6733; Filed, Aug. 13, 1959;
8:47 a.m.]

INTERNATIONAL COOPERATION ADMINISTRATION

DEPUTY DIRECTOR FOR OPERATIONS

Delegation of Functions

Pursuant to section 2 of Executive Order 10560, Executive Order 10610, and State Department Delegation of Authority No. 85, I hereby delegate to the Deputy Director for Operations of the International Cooperation Administration the functions conferred upon the President by title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, except for the functions relating to the implementation of that title delegated to the Controller of the International Cooperation Administration by the delegation of authority to sign budget and fiscal documents and for other purposes dated November 26, 1954 (19 F.R. 8049), as amended.

JAMES W. RIDDLEBERGER,
Director, International
Cooperation Administration.

AUGUST 7, 1959.

[F.R. Doc. 59-6721; Filed, Aug. 13, 1959;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-490]

DAVENPORT HOSIERY MILLS, INC.

Notice of Application to Strike From Listing and Registration, and of Op- portunity for Hearing

AUGUST 10, 1959.

American Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

All but 18,310 of the 171,200 outstanding shares have been acquired by J. Chadbourn Bolles of Charlotte, North Carolina. The remaining 18,310 shares have only 77 shareholders of record. The stock has been suspended from dealings on the Exchange since July 1, 1959.

Upon receipt of a request, on or before August 25, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a

hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-6727; Filed, Aug. 13, 1959;
8:46 a.m.]

[File No. 1-2954]

KENNEDY'S, INC.

Notice of Application To Strike From Listing and Registration, and of Op- portunity for Hearing

AUGUST 10, 1959.

American Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

All but 8,584 of the 118,425 outstanding shares have been acquired by Phillips-Van Heusen Corporation. The remaining 8,584 shares have only 114 shareholders of record. The stock has been suspended from dealings on the Exchange since July 29, 1959.

Upon receipt of a request, on or before August 25, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-6728; Filed, Aug. 13, 1959;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 11, 1959.

Protests to the granting of an application must be prepared in accordance

with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35619: *Roofing and building materials—Official to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7608), for interested rail carriers. Rates on roofing and building materials, and related articles, in carloads from points in official territory to points in southwestern territory.

Grounds for relief: Motor truck competition and short-line distance formulas.

Tariffs: Supplement 1 to Southwestern Freight Bureau tariff I.C.C. 4332. Supplement 1 to Southwestern Freight Bureau tariff I.C.C. 4333.

FSA No. 35620: *Chemicals from North Seadrift, Tex., to the south.* Filed by Southwestern Freight Bureau, Agent (No. B-7609), for interested rail carriers. Rates on carbon tetrachloride, perchloroethylene, trichloroethylene, and sodium perborate, in carloads from North Seadrift, Tex., to points in southern territory.

Grounds for relief: Market competition and short-line distance formulas.

Tariffs: Supplement 1 to Southwestern Freight Bureau tariff I.C.C. 4331. Supplement 1 to Southwestern Freight Bureau tariff I.C.C. 4333.

FSA No. 35621: *Liquid caustic soda from Port Neches, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7611), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads from Port Neches, Tex., to points in southern territory.

Grounds for relief: Market competition and rates constructed on a short-line distance formula.

Tariff: Supplement 1 to Southwestern Freight Bureau tariff I.C.C. 4333.

FSA No. 35623: *Grain and grain products—Northern Illinois points to the East.* Filed by The New York Central Railroad Company (No. 2), for interested rail carriers. Rates on corn, oats, and soybeans, and their products, in carloads from specified points in northern Illinois territory to Chicago, Ill., on traffic destined to points in Central, Trunk-line and New England territories.

Grounds for relief: Across country competition with like traffic from other nearby origins in northern Illinois from which depressed barge-truck competitive rates are maintained.

Tariff: Supplement 188 to The New York Central Railroad Company's tariff I.C.C. 1169.

FSA No. 35624: *TOFC service from southwestern points to points in central territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7613), for interested rail carriers. Rates on paper and paper articles, also pulpboard or fibreboard loaded in or on trailers and transported on railroad flat cars from mill points in Arkansas, Louisiana, and Texas, to specified points in Indiana, Kentucky, Michigan, New York, Ohio, and Pennsylvania.

Grounds for relief: Motor truck and rail carrier competition.

Tariff: Supplement 13 to Southwestern Freight Bureau tariff I.C.C. 4318.

AGGREGATE-OF-INTERMEDIATES

FSA No. 35622: *Lumber from Rison, Ark., to Memphis, Tenn.* Filed by Southwestern Freight Bureau, Agent (No. B-7615), for interested rail carriers. Rates on lumber, rough or dressed, in carloads from Rison, Ark., to Memphis, Tenn.

Grounds for relief: Leased or contract truck competition, and maintenance of depressed rates not applicable in constructing combinations from and to points beyond named points.

Tariff: Supplement 94 to Southwestern Freight Bureau tariff I.C.C. 3806.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-6722; Filed, Aug. 13, 1959;
8:45 a.m.]

[Notice 168]

MOTOR CARRIER TRANSFER
PROCEEDINGS

AUGUST 11, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62238. By order of August 28, 1959, the Transfer Board approved the transfer to Asphalt Products Transport Co., Inc., 558 West Simpson Street, Tucson, Ariz., of Permit No. MC 113594 Sub 1, issued August 27, 1954, to Louis O. Fiscel, doing business as Asphalt Products Transport Co., 558 West Simpson Street, Tucson, Ariz., authorizing the transportation of: Liquid asphalt, road oil, and fuel oil, in bulk, in tank vehicles, between points in Arizona restricted to traffic having an immediately prior movement by railroad from points in California.

No. MC-FC 62239. By order of August 7, 1959, the Transfer Board approved the transfer to Dakota Enterprises, Inc., Sioux Falls, South Dakota, of a Certificate in No. MC 18713, issued April 23, 1948, to George A. Tobin Company, Incorporated, Mitchell, South Dakota, authorizing the transportation of general commodities, excluding household goods, as defined by the Commission, commodities in bulk, and other specified commodities, over irregular routes, from points in Iowa and Minnesota, to Mitchell, S. Dak., binder twine, in truckloads only, from Milwaukee, Wis., and Chicago, Ill., to Mitchell, S. Dak., and box materials, in truckloads only, from Omaha, Nebr.,

No. 159—4

to Mitchell, S. Dak. Dick Kelly, Dick Kelly Agency, Paulton Building, Sioux Falls, S. Dak.

No. MC-FC 62286. By order of August 7, 1959, the Transfer Board approved the transfer to Wheeler Trucking Company, a Corporation, Soperton, Georgia, of the operating rights in Certificate No. MC 115692, issued October 4, 1956, to S. A. Wheeler, Sr., Soperton, Georgia, authorizing the transportation, over irregular routes, of lumber, from Soperton, Ga., to points in Florida, and in described portions of Alabama and Tennessee. J. Carlton Warnock, Soperton, Georgia, for applicants.

No. MC-FC 62381. By order of August 10, 1959, the Transfer Board approved the transfer to Prizito & Priore Trucking Co., Inc., Westerly, Rhode Island, of Certificate in No. MC 24148, issued February 26, 1954, to Minnie Priore Prizito, doing business as Prizito & Priore Trucking Co., Westerly, Rhode Island, authorizing the transportation of: Solid fuel, crushed stone, sand and gravel, between Westerly, R.I., on the one hand, and, on the other, points in Connecticut within 15 miles of Westerly. Peter Palombo, Jr., Attorney at Law, 57 Eddy Street, Providence, R.I.

No. MC-FC 62471. By order of August 7, 1959, the Transfer Board approved the transfer to New York Central Transport Company, a corporation of New York, N.Y., of Certificates Nos. MC 67916 Subs 3, 5, 10, 13, 14, issued August 18, 1958, November 1, 1949, May 26, 1955, March 31, 1954, and December 19, 1956, to The New York Central Railroad Company, a corporation, of New York, N.Y., authorizing the transportation of general commodities, with no exceptions, over regular routes, between specified points in the States of Ohio, Illinois, Indiana, New Jersey, New York, and Pennsylvania; general commodities, excluding household goods, commodities in bulk, and various other commodities, between the States of Illinois and Indiana; and general commodities except household goods, commodities in bulk in tank vehicles and motor vehicles when transported in special equipment, over regular routes, between specified points in the States of New York, Massachusetts, Pennsylvania, New Jersey, Indiana, Michigan, Illinois, and Ohio, and also temporary authority as set out in MC 67916 Subs 16TA and 18TA. Edward K. Wheeler, 704 Southern Building, Washington 5, D.C., and Herbert Burstein, 135 Broadway, New York 6, N.Y., for applicants.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-6723; Filed, Aug. 13, 1959;
8:45 a.m.]

[No. 23455]

PUGET SOUND-PORTLAND JOINT
PASSENGER-TRAIN SERVICE

AUGUST 11, 1959.

Application filed June 8, 1959, for authority to eliminate one passenger train in each direction, viz., No. 402, leaving Seattle, Washington, 11:45 p.m.,

and arriving Portland, Oregon, 6:45 a.m., and No. 459, leaving Portland, 5:00 p.m., and arriving Seattle, 9:15 p.m.

This application is assigned for hearing at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Street, Portland, Oregon, beginning at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time if that time is observed) on September 14, 1959, before Examiner Richard S. Ries.

Copy of this notice is being served on applicants, the Governors and regulatory authorities of the States of Washington and Oregon, the Chambers of Commerce of Seattle and Tacoma, Washington, and Portland, Oregon, deposited in the office of the Secretary of the Commission, for public inspection, and filed with the Director, Division of the Federal Register.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-6724; Filed, Aug. 13, 1959;
8:46 a.m.]

[No. 33051]

MINNESOTA INTRASTATE FREIGHT
RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 27th day of July A.D. 1959.

Upon petition, dated May 21, 1959, filed on behalf of common carriers by railroad operating to, from, and between points in the State of Minnesota, the Commission, by Division 2, on June 19, 1959, entered an order instituting an investigation, entitled as above, under section 13 of the Interstate Commerce Act with respect to intrastate rates in Minnesota for the transportation by railroad of specified commodities, as set forth in said petition.

By letter dated July 2, 1959, copy of which was sent to the Railroad and Warehouse Commission of the State of Minnesota, the petitioning railroad respondents request amendment of their petition of May 21, 1959, by inserting on page 11, immediately preceding the first line at the top of the page before "Sugar Beets", the words "Rough quarried granite and sawed slabs—3 percent maximum, 12 cents per net ton", which commodities, petitioners aver, were inadvertently omitted from the list of excepted commodities, and amendment of the Commission's order of June 19, 1959, to include rough quarried granite and sawed slabs in the list of excepted commodities under Ex Parte No. 212 in Appendix A attached there—and made a part of the order;

And for good cause appearing:

It is ordered, That the said petition be, and it is hereby, amended as requested in said letter of July 2, 1959, and that the order of June 19, 1959, be, and it is hereby amended to include in the exceptions listed under Ex Parte No. 212, Increased Freight Rates, 1958, in Appendix A to the order, the following:

Rough quarried granite and sawed slabs—3 percent maximum, 12 cents per net ton.

And it is further ordered, That a copy of this order be served upon each of the respondents to this proceeding; that copies of the order be sent by registered mail to the Governor of the State of Minnesota and the Railroad and Warehouse Commission of the State of Minnesota, at St. Paul, Minn.; that a copy of the order be deposited in the office of the Secretary of the Commission, Washington, D.C., for public inspection; and that a copy of the order be filed with the Director, Division of the Federal Register, Washington, D.C.

By the Commission, Division 2.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-6725; Filed, Aug. 13, 1959;
8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ashland Crafts, Inc., 18th Street, and Carter, Ashland, Ky.; effective 7-19-59 to 7-18-60 (children's dresses).

Dickson Manufacturing Co., Dickson, Tenn.; effective 8-8-59 to 8-7-60 (men's work shirts).

Dormar Manufacturing Co., Div. of Gordon Peters Co., Inc., Gratz, Pa.; effective 7-29-59 to 7-28-60 (men's shirts).

Jeansco, Inc., Petersburg, Va.; effective 7-29-59 to 7-28-60 (boys' dungarees).

Kenrose Manufacturing Co., Inc., Buchanan, Va.; effective 8-10-59 to 8-9-60 (wash dresses).

Mylcraft Manufacturing Co., Inc., North Main Plant, Rich Square, N.C.; effective 7-31-59 to 7-30-60 (ladies' pajamas).

Phoenix Apparel, Inc., 1019 Market Street, Wilmington, N.C.; effective 8-3-59 to 8-2-60;

learners may not be employed in the production of separate skirts (women's bathrobes, slacks, shorts).

Plains Manufacturing Co., Inc., 61 Hudson Rd., Plains, Pa.; effective 8-3-59 to 8-2-60 (brassieres).

Roydon Wear, Inc., Oak Street, McRae, Ga.; effective 8-8-59 to 8-7-60 (men's and boys' outerwear, trousers and shorts).

Scranton Garment Manufacturing Co., Inc., 1100 Clay Avenue, Scranton, Pa.; effective 7-31-59 to 7-30-60 (men's and boys' outerwear).

Henry I. Siegel Co., Inc., Dickson, Tenn.; effective 8-1-59 to 7-31-60 (men's and boys' single pants).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; effective 8-3-59 to 8-2-60 (work pants).

Wilburton Manufacturing Co., Inc., Wilburton, Pa.; effective 7-30-59 to 7-29-60 (women's dresses, housecoats).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Badger Outwear Manufacturing Co., 209-211 Franklin Street, Port Washington, Wis.; five learners (men's jackets).

Bay Shore Togs, Locust Street, Keyport, N.J.; effective 7-27-59 to 7-26-60; five learners (men's and boys' bathrobes; children's outerwear; infants' sleepwear).

Mize Manufacturing Co., Inc., Mize, Miss.; effective 7-31-59 to 7-30-60; 10 learners (women's raincoats).

Mount Carmel Blouse Corp., 51 North Spruce Street, Mount Carmel, Pa.; effective 7-30-59 to 7-29-60; 10 learners (ladies' blouses).

Newport Manufacturing Co., Inc., Newport, Vt.; effective 7-29-59 to 7-28-60; 10 learners (women's dresses).

Rosemont Corp., 601 Lincoln Street, Oxford, Pa.; effective 8-3-59 to 8-2-60; 10 learners (ladies' dresses).

Temple Apparel, Inc., 4432 Kutztown Road, Temple, Pa.; effective 7-31-59 to 7-30-60; 10 learners (ladies' blouses).

Wendell Garment Co., Inc., 91 North Pine Street, Wendell, N.C.; effective 8-3-59 to 8-2-60; 10 learners (men's sport shirts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barad Lingerie Company of Salem, Salem, Mo.; effective 7-28-59 to 1-27-60; 15 learners (ladies' sleepwear).

Bay Slacks, Inc., Bay Minette, Ala.; effective 7-31-59 to 1-30-60; 50 learners (men's dress slacks).

Cowden Manufacturing Co., Standford, Ky.; effective 7-29-59 to 1-28-60; 30 learners (ladies' and girls' dungarees).

Gary Company, Gallatin, Tenn.; effective 8-3-59 to 2-2-60; 20 learners (men's dress shirts).

Granby Manufacturing Co., Inc., Granby, Mo.; effective 8-3-59 to 2-2-60; 35 learners (men's and boys' cotton trousers).

Helena Garment Co., Lepanto Division, Lepanto, Ark.; effective 7-29-59 to 1-28-60; 50 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (junior dresses).

Lanier Manufacturing Co., Easley, S.C.; effective 8-3-59 to 2-2-60; 15 learners (men's and boys' sport shirts).

Rosebud Manufacturing Co., 119-27 West Railroad Avenue, Vidalia, Ga.; effective 8-1-59 to 1-31-60; 35 learners (women's lingerie).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars Inc., 209 North Beaver Street, York, Pa.; effective 7-27-59 to 1-26-60; 50 learners for plant expansion purposes.

Bayuk Cigars Inc., 209 North Beaver Street, York, Pa.; effective 7-27-59 to 7-26-60; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Haynesville Manufacturing Co., Inc., Haynesville, La.; effective 8-6-59 to 8-5-60; 10 learners for normal labor turnover purposes (work gloves canton flannel).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Webb Manufacturing Co., Inc., Dandridge, Tenn.; effective 8-6-59 to 8-5-60; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Alabama Textile Products Corp., Crestview, Fla.; effective 7-13-59 to 7-12-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the production of men's shorts.

Opportunity Inc., Earlee Street, Marion, S.C.; effective 7-27-59 to 1-26-60; 50 learners for plant expansion purposes (under and outerwear garments from knitted goods).

Pembroke Manufacturing Co., Inc., Pembroke, Ga.; effective 8-1-59 to 1-31-60; 25 learners for plant expansion purposes (children's underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Central Products Co., Buenos Aires Street, Mayaguez, P.R.; effective 7-20-59 to 1-19-60; 20 learners for plant expansion purposes in the occupations of inspection, assembly work, stamping, punch press each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (measuring tape).

Columbia Manufacturing Co., San Lorenzo, P.R.; effective 7-21-59 to 7-20-60; five learners for normal labor turnover purposes in the occupations of straightening, inspection, sandblast, washing, degrease and color, induction brazing, slot milling, thread rolling each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (metal cutting tools).

Fairfield Manufacturing Co., Inc., Santurce, P.R.; effective 7-15-59 to 7-14-60; 10 learners for normal labor turnover purposes in the occupations of wire forming operators, nip forming operators, hook assemblers, welders, nip closing machine operators, barrel platers, box making and inspectors each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (drapery pleater hooks).

Guayama Children's Wear Co., Inc., Guayama, P.R.; effective 7-14-59 to 7-13-60; 10 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at

the rates of 49 cents an hour for the first 240 hours and 57 cents an hour for the remaining 240 hours (children's dresses).

Newport Brassiere Co., Inc., Caparra Heights, P.R.; effective 7-14-59 to 7-13-60; 17 learners for normal labor turnover purposes in the occupations of: (1) sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 60 cents an hour (brassieres).

Puerto Rico Industrial Manufacturing Corp., Manati, P.R.; effective 7-23-59 to 2-6-60; 10 learners for normal labor turnover purposes in the occupations of sewing machine operators, final pressers each for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours (replacement certificate) (men's work pants and shirts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at sub-minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the **FEDERAL REGISTER** pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C. this 5th day of August 1959.

ROBERT G. GRONEWALD,
*Authorized Representative
of the Administrator.*

[F.R. Doc. 59-6684; Filed, Aug. 12, 1959; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during August. Proposed rules, as opposed to final actions, are identified as such.

3 CFR	Page	8 CFR—Continued	Page	14 CFR—Continued	Page
<i>Proclamations:</i>		212.....	6240	<i>Proposed rules—Continued</i>	
1126.....	6471	223.....	6477	24.....	6393
2037.....	6471	235.....	6477	43.....	6393
3305.....	6223	235a.....	6477	52.....	6393
3306.....	6407	236.....	6477	600.....	6395, 6396
3307.....	6471	242.....	6477	601.....	6203, 6395, 6396
3308.....	6607	245.....	6477		
<i>Executive orders:</i>		251.....	6477	15 CFR	
Dec. 30, 1895.....	6243	252.....	6477	371.....	6434
Jan 27, 1913.....	6471	299.....	6477	372.....	6434
June 5, 1919.....	6316	502.....	6329	373.....	6434
3797-A.....	6316	<i>Proposed rules:</i>		374.....	6434
8921.....	6582	103.....	6201	377.....	6434
		237.....	6202	382.....	6257
5 CFR		242.....	6202	399.....	6436
6.....	6223, 6225, 6327, 6559, 6609	243.....	6202		
24.....	6475, 6559	299.....	6202	16 CFR	
39.....	6295			13.....	6197, 6241, 6264
325.....	6476	9 CFR		17 CFR	
6 CFR		78.....	6433	230.....	6385
10.....	6256	131.....	6257	239.....	6385, 6387
383.....	6256	145.....	6614		
421.....	6179, 6232, 6238, 6314, 6315	146.....	6614	20 CFR	
		180.....	6434	404.....	6500, 6615
7 CFR		10 CFR		<i>Proposed rules:</i>	
33.....	6609	<i>Proposed rules:</i>		602.....	6503
51.....	6181, 6182, 6238	70.....	6317	604.....	6503
52.....	6239	12 CFR		21 CFR	
55.....	6413	<i>Proposed rules:</i>		19.....	6478, 6581
68.....	6611	541.....	6272	130.....	6618
728.....	6239	545.....	6272	<i>Proposed rules:</i>	
811.....	6473	563.....	6272, 6273	120.....	6583
817.....	6614	567.....	6272	121.....	6393
922.....	6183, 6253, 6383			23 CFR	
938.....	6253	14 CFR		1.....	6232
940.....	6255	40.....	6240, 6580	24 CFR	
951.....	6184, 6295	41.....	6240	261.....	6330
953.....	6184, 6239, 6384, 6474	42.....	6241	25 CFR	
957.....	6184, 6474	60.....	6388	173.....	6342
958.....	6327	399.....	6409		
964.....	6385	507.....	6580	26 (1939) CFR	
989.....	6256	514.....	6191, 6192, 6197	39.....	6389
997.....	6185	609.....	6409	26 (1954) CFR	
1003.....	6327, 6414	1201.....	6615	40.....	6198
1017.....	6475	<i>Proposed rules:</i>		<i>Proposed rules:</i>	
<i>Proposed rules:</i>		1.....	6393	1.....	6501
51.....	6203	3.....	6393		
993.....	6245	4b.....	6393	29 CFR	
1012.....	6504	5.....	6393	102.....	6315
1024.....	6504	6.....	6393	778.....	6181
		7.....	6393		
8 CFR		13.....	6393	30 CFR	
101.....	6476	14.....	6393	14a.....	6619
206.....	6476	18.....	6393		
211.....	6476				

31 CFR

102----- 6242, 6390

32 CFR

1----- 6559
 2----- 6564
 3----- 6565
 6----- 6566
 7----- 6568
 9----- 6576
 10----- 6577
 12----- 6579
 16----- 6390
 30----- 6579
 56----- 6330
 64----- 6580
 511----- 6331
 543----- 6414
 578----- 6391
 725----- 6416
 1004----- 6332
 1005----- 6332
 1006----- 6332
 1007----- 6337
 1008----- 6297
 1010----- 6308
 1011----- 6311
 1012----- 6312
 1455----- 6580

33 CFR

203----- 6265, 6582
 207----- 6582

36 CFR

20----- 6242
 311----- 6391

38 CFR—Continued

13----- 6342
 21----- 6583
 36----- 6315

39 CFR

16----- 6225
 24----- 6225
 34----- 6225
 41----- 6265
 95----- 6623

43 CFR

412----- 6343

Proposed rules:

194----- 6244

Public land orders:

41----- 6582
 82----- 6316
 138----- 6582
 324----- 6316
 649----- 6582
 1546----- 6437
 1929----- 6243
 1930----- 6316
 1931----- 6582
 1932----- 6316
 1933----- 6317
 1934----- 6437
 1935----- 6437
 1936----- 6437

46 CFR*Proposed rules:*

201—380----- 6245

47 CFR

3----- 6257, 6264, 6345, 6437
 7----- 6346
 8----- 6346
 10----- 6243

Proposed rules:

1----- 6265, 6438
 3----- 6266, 6267, 6353
 7----- 6268, 6439
 8----- 6268, 6439
 9----- 6439
 10----- 6439
 11----- 6439
 16----- 6439
 19----- 6439
 45----- 6271
 46----- 6271

49 CFR

95----- 6201
 198----- 6243

Proposed rules:

170----- 6504

50 CFR

6----- 6623
 105----- 6244
 108----- 6438
 109----- 6392
 115----- 6438

Proposed rules:

31----- 6392, 6503
 34----- 6353
 35----- 6393